

AD-A145 377

THE NEED FOR MORE EFFECTIVE CONTROL OF USAF SECURITY
POLICE DISCRETION(U) AIR FORCE INST OF TECH
WRIGHT-PATTERSON AFB OH J R DOYLE 1984

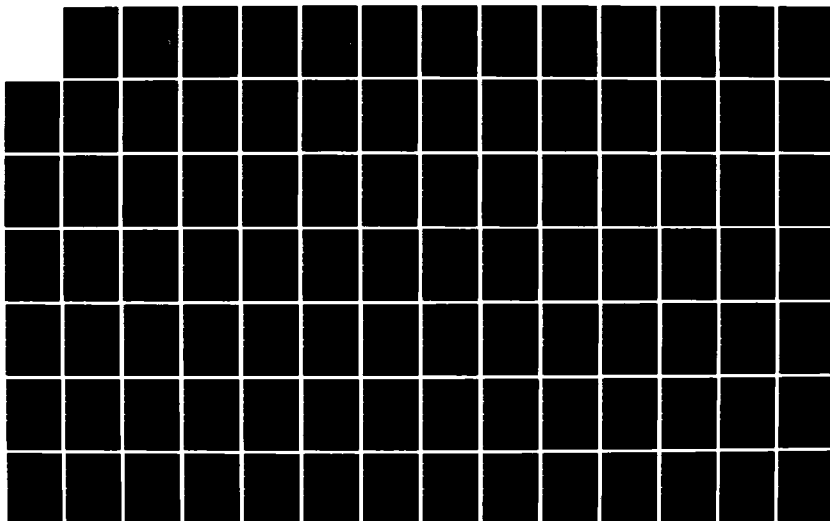
1/2

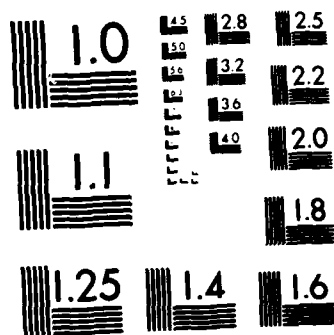
UNCLASSIFIED

AFIT/CI/NR-84-60T

F/G 5/9

LL





MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS 1963 A

UNCLASS

SECURITY CLASSIFICATION OF THIS PAGE

REPORT DOCUMENT

AD-A145 377

READ INSTRUCTIONS
BEFORE COMPLETING FORM
IT'S CATALOG NUMBER

1. REPORT NUMBER AFIT/CI/NR 84-60T	
4. TITLE (and Subtitle) The Need For More Effective Control Of USAF Security Police Discretion	
5. TYPE OF REPORT & PERIOD COVERED THESIS/DISSERTATION	
6. PERFORMING ORG. REPORT NUMBER	
7. AUTHOR(s) James Robert Doyle	
8. CONTRACT OR GRANT NUMBER(s)	
9. PERFORMING ORGANIZATION NAME AND ADDRESS AFIT STUDENT AT: California State University, Sacramento	
10. PROGRAM ELEMENT, PROJECT, TASK AREA & WORK UNIT NUMBERS	
11. CONTROLLING OFFICE NAME AND ADDRESS AFIT/NR WPAFB OH 45433	
12. REPORT DATE 1984	
13. NUMBER OF PAGES 120	
14. MONITORING AGENCY NAME & ADDRESS (if different from Controlling Office)	
15. SECURITY CLASS. (of this report) UNCLASS	
15a. DECLASSIFICATION DOWNGRADING SCHEDULE	
16. DISTRIBUTION STATEMENT (of this Report) APPROVED FOR PUBLIC RELEASE; DISTRIBUTION UNLIMITED	
17. DISTRIBUTION STATEMENT (of the abstract entered in Block 20, if different from Report) B	
18. SUPPLEMENTARY NOTES APPROVED FOR PUBLIC RELEASE: IAW AFR 190-17 5248V LYNN E. WOLAVER Dean for Research and Professional Development AFIT, Wright-Patterson AFB OH	
19. KEY WORDS (Continue on reverse side if necessary and identify by block number)	
20. ABSTRACT (Continue on reverse side if necessary and identify by block number) ATTACHED	

DTIC
ELECTE
SEP 13 1984

B

DTIC FILE COPY

DD FORM 1473

1 JAN 73

EDITION OF 1 NOV 65 IS OBSOLETE

UNCLASS

SECURITY CLASSIFICATION OF THIS PAGE (When Data Entered)

84

09

13

029

Abstract
of
THE NEED FOR MORE EFFECTIVE CONTROL OF USAF
SECURITY POLICE DISCRETION

by

James Robert Doyle

Statement of Problem

→ This limited exploratory study was conducted to find out, initially, if USAF security police law enforcement personnel were in need of more effective controls over their discretionary actions, and if so, to make a recommendation on how these controls should be implemented.

Sources of Data

A literature review, citing the more authoritative writers on police discretion, and the data from a ten item self-administered questionnaire which was given to seventy-five USAF security police law enforcement personnel at Mather Air Force Base, California, on 24 and 26 June 1984.

Conclusions Reached

USAF security police law enforcement personnel need more effective controls over their discretionary actions because lack of policy guidance results in too much informal discretion, and tends to lower their morale. This may be partially due to a possible inverse relationship between experience and need for policy guidance. A crime control plan and administrative rulemaking procedure is recommended.

Committee Chair's Signature of Approval James M. Doyle

AFIT RESEARCH ASSESSMENT

The purpose of this questionnaire is to ascertain the value and/or contribution of research accomplished by students or faculty of the Air Force Institute of Technology (AU). It would be greatly appreciated if you would complete the following questionnaire and return it to:

AFIT/NR
Wright-Patterson AFB OH 45433

RESEARCH TITLE: The Need For More Effective Control Of USAF Security Police Discretion

AUTHOR: James Robert Doyle

RESEARCH ASSESSMENT QUESTIONS:

1. Did this research contribute to a current Air Force project?

☐ a. YES

☐ b. NO

2. Do you believe this research topic is significant enough that it would have been researched (or contracted) by your organization or another agency if AFIT had not?

☐ a. YES

☐ b. NO

3. The benefits of AFIT research can often be expressed by the equivalent value that your agency achieved/received by virtue of AFIT performing the research. Can you estimate what this research would have cost if it had been accomplished under contract or if it had been done in-house in terms of manpower and/or dollars?

☐ a. MAN-YEARS _____

☐ b. \$ _____

4. Often it is not possible to attach equivalent dollar values to research, although the results of the research may, in fact, be important. Whether or not you were able to establish an equivalent value for this research (3. above), what is your estimate of its significance?

☐ a. HIGHLY
SIGNIFICANT

☐ b. SIGNIFICANT

☐ c. SLIGHTLY
SIGNIFICANT

☐ d. OF NO
SIGNIFICANCE

5. AFIT welcomes any further comments you may have on the above questions, or any additional details concerning the current application, future potential, or other value of this research. Please use the bottom part of this questionnaire for your statement(s).

NAME _____

GRADE _____

POSITION _____

ORGANIZATION _____

LOCATION _____

STATEMENT(s): _____

FOLD DOWN ON OUTSIDE - SEAL WITH TAPE

AFIT/NR
WRIGHT-PATTERSON AFB OH 45433
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST CLASS PERMIT NO. 73236 WASHINGTON D.C.

POSTAGE WILL BE PAID BY ADDRESSEE

AFIT/ DAA
Wright-Patterson AFB OH 45433



FOLD IN

THE NEED FOR MORE EFFECTIVE CONTROL OF USAF

SECURITY POLICE DISCRETION

James Robert Doyle
B.A., Florida State University

THESIS

Submitted in partial satisfaction of
the requirements for the degree of

MASTER OF ARTS

in

CRIMINAL JUSTICE

at

CALIFORNIA STATE UNIVERSITY, SACRAMENTO

Summer
1984

84 09 13 029

THE NEED FOR MORE EFFECTIVE CONTROL OF USAF
SECURITY POLICE DISCRETION

A Thesis

by

James Robert Doyle

Approved by:

James M. Poland, Chair
James M. Poland

Thomas R. Phelps, Second Reader
Thomas R. Phelps

Date: August 1, 1954

Name of Student: James Robert Doyle

I certify that this student has met the requirements for format contained in the Manual of Instructions for the Preparation and Submission of the Master's Thesis, and that this thesis is suitable for shelving in the Library and credit is to be awarded for the thesis.

Thomas P. Phelps

Signature

2 August 1964

Date

Department of Criminal Justice



iii

Accession For	
NTIS GRA&I	<input checked="checked" type="checkbox"/>
DTIC TAB	<input type="checkbox"/>
Unannounced	<input type="checkbox"/>
Justification	
By	
Distribution/	
Availability Codes	
Dist	Avail and/or Special
A-1	

Abstract
of
THE NEED FOR MORE EFFECTIVE CONTROL OF USAF
SECURITY POLICE DISCRETION

by
James Robert Doyle

Statement of Problem

This limited exploratory study was conducted to find out, initially, if USAF security police law enforcement personnel were in need of more effective controls over their discretionary actions, and if so, to make a recommendation on how these controls should be implemented.

Sources of Data

A literature review, citing the more authoritative writers on police discretion, and the data from a ten item self-administered questionnaire which was given to seventy-five USAF security police law enforcement personnel at Mather Air Force Base, California, on 24 and 26 June 1964.

Conclusions Reached

USAF security police law enforcement personnel need more effective controls over their discretionary actions because lack of policy guidance results in too much informal discretion, and tends to lower their morale. This may be partially due to a possible inverse relationship between experience and need for policy guidance. A crime control plan and administrative rulemaking procedure is recommended.

Committee Chair's Signature of Approval

James R. Doyle

Dedication

This study is dedicated to the United States Air Force (USAF), and especially to that special grouping of women and men referred to as USAF Security Police law enforcement personnel. They are the one's who bear the double burden of protecting their country's freedom from foreign interference through the employment of whatever combative measures might be required, while simultaneously being held responsible for taking those actions necessary for preservation of the peace, maintenance of law and order, and internal protection of the members of their communities from one another. Such responsibilities must, at times, seem overwhelming to the multitude of average law enforcement specialists, who must often respond to these demands without the benefit of unambiguous policy and procedural guidance to direct the use of their talents.

Acknowledgments

I sincerely thank the following people for assisting me with the successful completion of this study.

For recommending me to the Air Force Institute of Technology (AFIT), my former squadron commander, Lt. Col. Brian Y. Shiroyama, and for actually getting me selected, Major Charles E. Earnhart, my AFIT program manager.

For providing me with access to, and assisting me with gathering, the survey research data I thank the following:

Lt. Col. John B. Griffin, Jr., Chief, Security Police, Capt. Sue Vroom, Security Police Operations Officer, and the seventy-five questionnaire respondents, all of the 323d Security Police SQ., Mather AFB, California.

CMSgt James A. Linman, Security Police Superintendent, and the 100 participants of the 475th Security Police SQ., Yokota Air Base, Japan (although not received in time to include in this study--See Appendix B).

For teaching me, and guiding me through the "maze" of thesis preparation activities, I owe a debt of gratitude to Dr. Thomas R. Phelps, and Dr. James M. Poland.

Last, but most of all, I thank my beautiful wife, Kimiyo Takashima Doyle, for her help, devotion, and support.

List of Tables

Table	Page
4.1 Formality and Uniformity of Security Police Actions in the Same Potential Drunk Driving Case	63
4.2 Forms of Policy Influence on Discretion in the Same Potential Drunk Driving Case . . .	64
4.3 Perceived Adequacy of Formal Policy for Providing Guidance in a Potential Drunk Driving Case	65
4.4 Perceived Stability of Policy Guidance by Response to: "Policy Guidelines are Relatively Stable."	66
4.5 Policy Need Perceptions by Responding to "In My Opinion We Need":	67
4.6 Self-Reported, Estimated, Amount of Informal Police Discretion Used in any Given Month	68
4.7 Policy Needs/Lowered Morale by Response to: "Lack of Policy Often Leaves Me in Doubt About Decisions."	69
4.8 Effect of the Lack of Adequate Policy on Morale by Response to: "Lack of Policy ... Lowers My Morale."	70
4.9 Rank Distribution of Survey Sample by Percent in Each Broad Category	71
4.10 Relationship Between Rank Category and Expressed Need for Policy Development . .	73

List of Tables, continued

Table	Page
4.11 Relationship Between Rank Category and Expressed Need for Policy Guidance by Response to: "Lack of Policy Guidance Often Leaves Me in Doubt About Making the Right Decision."	76
4.12 Experience Distribution of Survey Sample by Percent in Each Security Police Qualification Level	80
4.13 Relationship Between Security Police Qualification Level and Expressed Need for Policy Development	82
4.14 Relationship Between Qualification Level and Expressed Need for Policy Guidance by Response to: "Lack of Policy Guidance Often Leaves Me in Doubt About Decisions"	84

Table of Contents

	Page
Dedication	v
Acknowledgements	vi
List of Tables	vii

Chapter

1. The Problem	1
Need	1
Purpose	1
Propositions	2
Absence of Theory	3
Terms and Definitions	3
Overview	5
2. Review of Literature	7
Introduction	7
Concern Over Police Discretion	8
Police as a Powerful Subsystem	8
Comprehensive Discretion	9
Non-invocation Decisions	10

Table of Contents, continued

Chapter	Page
Need for Formal Recognition	11
Rule of Law	12
Rule of Law and Men	14
Current Trend	17
Structuring Discretion	18
Benefits to be Gained	18
Problems Encountered	21
Alternative Methods	23
Controlling Discretion	24
Administrative Rule-Making	25
Leadership	29
Training	30
Chicago Police Study	31
Connecticut State Police Study	35
Discussion of Previous Research	39
Summary	43
3. Design of the Study	46
Introduction	46
Sample	46
Measurement	47

Table of Contents, continued

Chapter	Page
Design	54
Propositions	55
Analysis	56
Summary	58
4. Analysis of Results	61
Introduction	61
Proposition 1	62
Proposition 2	69
Proposition 3	71
Discussion of Findings	86
Summary	91
5. Summary and Conclusions	96
Summary	96
Conclusions	100
Recommendation for USAF Law Enforcement	103
Crime Control Plan	104
Plan Implementation	105
Anticipated Outcome	106
Implications for Future Research	107
Appendix A - Survey Questionnaire	110

Table of Contents, continued

Chapter	Page
Appendix B - Limiting Factors	117
Bibliography	119

CHAPTER 1

The Problem

Need

Research in the area of police discretion is neither new nor totally complete. Research in the more specific area of United States Air Force security police law enforcement discretionary practices has only just begun. This particular study was needed, in part, to explore this highly controversial area of inquiry in a formal manner in order to gather preliminary data upon which to base recommendations for future research. Equally important was the need to consolidate the more significant and authoritative writings and recommendations offered for effectively controlling police discretion, and to tailor this material to fit the needs of the United States Air Force (USAF) security police law enforcement career field.

Purpose

The purpose of this study was to conduct a limited exploratory investigation to initially determine whether or not security police law enforcement personnel were in need of more effective controls over their discretionary (selective enforcement) actions, and if so, how should these controls be implemented? In search of a tentative

conclusion the study took the form of a literature review and selective administration of a survey questionnaire. The survey questionnaire was designed to find out if an empiracle relationship exists between policy formulated to control police discretion, and morale, as perceived by law enforcement personnel themselves. Other related survey objectives included an effort to estimate the self-reported amount of unofficial, or informal, discretion employed by USAF security police law enforcement personnel; and, an attempt to determine whether or not a relationship exists between the expressed need for comprehensive policy guidance and amount of law enforcement experience.

Propositions

The following propositions were developed in an effort to make the investigation of the above areas of inquiry somewhat less complicated:

1. Perceived inadequate policy development results in an unacceptable amount of officially unrecognized, informal, police discretion.
2. The perceived lack of formal and stable policy guidance on law enforcement operations has a tendency to lower the morale of security police law enforcement personnel.
3. An inverse relationship exists between the

expressed need for comprehensive policy guidance and amount of law enforcement experience.

Absence of Theory

The literature does not yield any generally applicable conclusions in the area of police discretion.¹

Terms and Definitions

The following will be used throughout this study.

1. Apprehend - equivalent to the civilian term "arrest," or to take a person into physical custody.
2. Controls (over discretion) - the means of exercising restraint or direction over police discretionary activities by use of rulemaking, policy, leadership, training, and accountability.
3. Discretion - the freedom of judgment, choice, or selectiveness, either personally independent or guided, used by the police in making on-duty decisions which either comply, or fail to comply, with established laws, regulations, formal policies, and procedures.

¹ Kenneth Culp Davis, Police Discretion (St. Paul: West, 1975), p. vii.

a. Informal discretion refers to those decisions made or actions taken which are not strictly in accordance with official policy and procedure. These actions may be influenced by any number of external stimuli, however, for the purpose of this study the scope of outside influences will be limited to "the organization (unknown source)", supervisor's desires, peer pressure, and personal policy (opinion maintained for a prolonged period of time).

b. Formal discretion refers to those decisions made or actions taken which are strictly in accordance with officially prescribed (written) policies and procedures.

4. Formal booking - making a formal written record in the police blotter and in an incident/complaint report for which some sort of official follow-up action is required.

5. Information report - normally only entails an informative type entry in the police blotter and/or incident report, which does not normally require any type of follow-up action.

6. Morale - a state of mind which has a tendency to influence the way in which a law enforcement person goes about performing their duties. A police person with a lowered morale would not feel like putting forth their best possible effort to get the job done.

7. Policy - a definite course of action adopted to

guide decision-makers in the course of their activities.

a. Informal policy refers to that which is not officially prescribed and put into writing for the benefit of periodic review and critique.

b. Formal policy refers to that which is officially placed in writing by the originating source, and personnel who come under the authority of the originating source of formal policy are accountable for complying with the provisions of the policy.

Overview

Forthcoming, in chapter 2, a review of related literature will attempt to make clear why there is concern over police discretion in general; why there is a need for formal recognition of police discretion; and, why and how police discretion can be structured and controlled in general. Thereafter, two related studies, one done in Chicago and the other with the Connecticut State Police will be briefly presented and discussed. The study design will be presented in chapter 3 and will include information about the study sample, measurement methodology, design, propositions to be investigated, and form of analysis to be used. Chapter 4 will contain a detailed analysis of the results of the self-administered survey questionnaire; and, chapter 5 will reveal the researcher's recommendations to

the United States Air Force for developing and implementing a crime control plan for controlling police discretion, along with a prediction of the anticipated outcome of such a plan.

CHAPTER 2

Review of Literature

Introduction

The following review cites the more authoritative authors and researchers in the area of police discretion. This section will attempt to make clear why there is concern over police discretion in general; why there is a need for formal recognition of police discretion; and, why and how police discretion can be structured and controlled in general. In the latter portion of this chapter, two related studies, one done in Chicago in 1974,¹ and the other with the Connecticut State Police in 1972,² will be briefly presented and discussed. Thereafter the literature will be summarized and an attempt will be made to relate the material to the research project in this study.

¹ Kenneth Culp Davis, Police Discretion (St. Paul: West, 1975), p. 174.

² T. Kenneth Moran, "Toward More Effective Control of Police Discretion: The Cooperative Supervisory Model," Journal of Police Science and Administration 6, no. 3 (1978): 254.

Concern Over Police Discretion

There are different reasons for concern over police discretion by various individuals and groups of individuals. The three major and most widely accepted reasons which will be discussed below are: the police as a powerful subsystem of the criminal justice system,³ the comprehensiveness of police discretion,⁴ and police decisions not to invoke the criminal justice process.⁵

Police as a Powerful Subsystem. Many have said that "the police subsystem is the most powerful component in the [criminal justice] system in terms of its discretionary powers. Police officers initiate in almost all cases, the criminal justice process. They can start a long chain of pre-trial procedures at almost anytime. All they need to do is stop a suspicious person or vehicle and ask a few

³ Sam S. Souryal, Police Administration and Management (St. Paul: West, 1976), p. 45.

⁴ Ibid., p. 48.

⁵ Jerome H. Skolnick, Justice Without Trial: Law Enforcement in a Democratic Society (New York: John Wiley & Sons, 1975), passim.

intelligent questions. ... Once a policeman makes a wrong decision to stop, arrest, detain, search or sieze, his decision unfortuneatly sticks for quite some time. The procedures needed to undo what the policeman initially did are ... [often] complicated, long, and frustrating. Such procedures may require the efforts of several other criminal justice agencies. A complete eradication of the long-term results of the policeman's wrong decision may never take place."⁶

Comprehensive Discretion. "Another aspect of the discretionary power by the policeman as compared to officials of other criminal justice agencies is the fact that he is generally the only agent authorized to go to the public, rather than have the public come to him. The policeman carries his discretion along with him to the street, to public places, even to peoples' homes and businesses. He associates with the public at all times and technically can trace people anywhere they go. The

⁶ Souryal, op. cit., p. 47-8.

prosecutor, the judge, the correctional official (except probation and parole officers checking on their clients) cannot exercise their discretion so comprehensively, ... [because] they have to wait for cases to be brought before them in their official capacity. As a result, prosecutors and judges seldom encounter the public outside the boundaries of their offices, and their discretion is therefore much less comprehensive."⁷

Non-invocation Decisions. The last "aspect of the policeman's discretionary power, and probably his most effective tool, is his discretion not to invoke the criminal justice process. While policemen can ignore or pretend not to see a crime in progress or fail to respond to a citizen's complaint, prosecutors and judges cannot. The initial contact between a policeman and a violation of the law ... can [sometimes] be easily overlooked by the policeman without much implication. Unless the contact is later reported authoritatively by someone, the policeman can

⁷ Souryal, op. cit., p. 48.

easily [say that he never saw or heard of the violation]. Such power 'not to initiate' the criminal justice process doesn't exist as easily with a prosecutor or a judge ... [because they] deal with written documents, and their dispositions have to be substantiated by legal evidence in accordance with the law."⁸ Thus, "although legislatures write criminal laws as if they were commands to be enforced by the police, there is wide latitude for officers to determine how the laws will be enforced ... [and most] decisions not to invoke the law are shielded from the public's view."⁹ The three major concerns which have been addressed tend to indicate a need for formal recognition, structuring, and control of police discretion.

Need for Formal Recognition

In pre-historic times there was rule by man alone, and

⁸ Souryal, loc. cit.

⁹ Joseph Goldstein, "Police Discretion Not to Invoke the Criminal Process: Low-Visibility Decisions in the Administration of Justice," Yale Law Journal 69 (1960): 543-94; reprinted in George F. Cole, ed., Criminal Justice: Law and Politics, 2d ed., (North Scituate: Duxbury Press, 1976), p. 108.

usually only the strongest people survived. As society evolved, more and more emphasis was placed on living under the rule of law in an effort to ensure public safety and equality and fairness in treatment of all who lived within the society. Now, and within the recent past, an effort has been underway by some of the more enlightened scholars to attain recognition of the fact that everyone lives under both the rule of law and the rule of men; men who must necessarily exercise discretion to varying degrees in order to make the system of laws work as intended. This section will briefly address the rule of law and the need for formal recognition of a reasonable mixture of the rule of law and the discretion of men, and then an apparently current trend will be briefly discussed.

Rule of Law. "By far the most common objection to police discretion is the contention that ours is a government of laws and not of men; that the police, as an agency in the executive branch of government, must be restricted to doing those things that are assigned by

legislative bodies"10 "One version of the rule of law is that a system of rule by law is to be preferred to a system of private use of force. Almost everyone agrees with Aristotle's statement that 'The rule of law is preferred to that of any individual.' ... These ideas shade into such concepts as due process, natural law, higher law, democracy and fairness, [and] absence of arbitrariness."11 "It has been common in the criminal law field to assume that the legislature should play an almost exclusive role in deciding what conduct is criminal. The proper system is often said to be one in which the legislature makes the policy decisions reflected in the enactment of criminal statutes, the court is limited to the resolution of ambiguities in these statutes, and the ... [police] agency merely executes the policy which has been legislatively prescribed."12

10 Herman Goldstein, Policing a Free Society (Cambridge: Ballinger, 1977), p. 107.

11 Kenneth Culp Davis, Discretionary Justice: A Preliminary Inquiry (Baton Rouge: Louisiana State University Press, 1969), pp. 28-29.

12 Wayne R. LaFave, Arrest (Boston: Little, Brown, 1965), pp. 65-66.

However, while this proper system looks and sounds good on paper, in reality its somewhat less efficient and practicable. Its because of the inability of our legislatures and courts to produce unambiguous laws, policies, and procedures that our daily activities are not fully governed by an ideal rule of law, but rather we live under a rule of law and of men as indicated below.

Rule of Law and Men. In fact, "every government has always been a government of laws and of men. Every governmental and legal system in the world history has involved both rules and discretion Even in the administration of justice (a small portion of all governmental processes) no government has ever come close to a government of laws and not of men."¹³ This becomes clear when we realize that it is men who make the laws, interpret the laws, enforce the laws, break the laws, and abolish the laws when they no longer fit the needs of a society. Some men even use the rule of law concept in some cases to evade

¹³ Davis, op. cit., p. 17.

their moral responsibility to help others in need. In this sense the rule of law may limit a persons obligations to people in their community.¹⁴ From the logic of this discussion it seems totally unrealistic to assert that ours is a government of laws and not of men in the strictest sense of the phrase. Our legislative bodies have never been able to do more than establish "broad frameworks for administrative policy-making in various regulatory fields. Problems of policy [development] are often beyond the highest expertness, so that meaningful answers have to come from focusing on facts and circumstances of concrete cases, limiting the decision to a single set of facts, and leaving the policy open for other circumstances. A legislative body is ill-equipped to resolve controversies of named parties; that function usually calls for court procedure or for the adjudicative procedure of an agency. Even questions suitable for legislative determination are often delegated for some such reason as failure of legislators to agree,

¹⁴ William Ker Muir, Jr., Police: Streetcorner Politicians (Chicago: University of Chicago Press, 1977), pp. 258-59.

preference of legislators to compromise disagreements by tossing the problem to administrators, draftmanship which is ... vague or contradictory, or some combination of such factors."¹⁵ "Elimination of all discretionary power is both impossible and undesirable. The sensible goal is development of a proper balance between rule and discretion. Some circumstances call for rules, some for discretion, some for mixtures of one proportion, and some for mixtures of another proportion. In today's American ... system, the special need is to eliminate unnecessary discretionary power"¹⁶ This need appears to be gaining wider recognition, and within the past two decades many legal scholars, legislators, judges, and administrators have been actively involved in an effort to establish a system which can effectively deal with discretionary practices.¹⁷

¹⁵ Davis, op. cit., pp. 38-39.

¹⁶ Davis, op. cit., p. 42.

¹⁷ U.S. Department of Justice, Police -- Report of the Advisory Commission on Criminal Justice Standards and Goals, Law Enforcement Assistance Administration, ([Philadelphia: GPO, 1973]), passim.

Current Trend. Within the past decade the trend has been increasingly in favor of formal recognition of police discretionary actions, this trend is readily observable in the literature of authoritative proponents of this change in direction. Legislators, judges, and top level administrators are being encouraged to grant wide policy development authority to police executives. In 1973, recognizing the need for policy guidelines, the National Advisory Commission on Criminal Justice Standards and Goals recommended that every police agency establish guidelines for police discretion.¹⁸ The published standards identify potential benefits that would derive from established policies, such as the resultant uniform enforcement policy, improved productivity, and a better understanding by courts, legislative bodies, and the community, of the nature of police operations.¹⁹ With the need for formally recognizing police discretion reasonably

¹⁸ Ibid., p. 21-27.

¹⁹ Ibid.

established there's a need for discussing how to structure and control this discretion.

Structuring Discretion

In an attempt to structure police discretion it should be realized that there are certain benefits to be gained, problems to be overcome, and some alternative methods for implementing the structure. "Because police discretion has been covert and disavowed, no system exists for structuring and controlling it. So the police really suffer the worst of all worlds: they must exercise broad discretion ... and they are expected to realize a high level of equality and justice in their discretionary determinations though they haven't been provided with the means most commonly relied upon in government to achieve these ends."²⁰

Benefits to be Gained. One of the key benefits to be gained from structuring police discretion is fairness and equality, however, "if discretion is to be exercised in an

²⁰ Herman Goldstein, Policing a Free Society (Cambridge: Ballinger, 1977), p. 110.

equitable manner, ... discretionary areas must be defined; policies must be developed and articulated; the official responsible for setting policies must be designated; opportunities must be afforded for citizens to react to policies before they are promulgated; systems of accountability must be established; forms of control must be instituted; and ample provisions must be made to enable persons affected by discretionary decisions to review the basis on which they were made. Structuring [also] ... has other value[s]. A police administrator's capacity to administer his agency effectively and to improve the quality of policing depends heavily upon his being able to exercise effective control over the infinite number of decisions that are constantly being made by his personnel at the operating level. If discretion were structured, many of the decisions now being made at the lowest levels in the organization would be made at higher levels and would therefore hopefully be based upon a more careful and defensible weighing of competing considerations. Operating personnel would be provided with guidance in areas in which they now have none.

Supervision would be made easier."²¹ The level of corruption could be reduced.²² Police frustration, and thus cynicism, could be reduced.²³ "Training could be more realistic, with police officers receiving guidance in the making of important decisions rather than being provided with an unreal concept of the police function that is of no help on the job. Operating personnel could be held [accountable] to [established] standards. ... Additional benefits of a general nature are bound to accrue from the open discussion of issues and the resolving of ambiguities and conflicts as discretion is structured. City counsels could be given the choice of [alternative] ... enforcement policies ... based upon the amount of funds they are prepared to budget."²⁴ The police would have a range of

²¹ Ibid.

²² James Q. Wilson, "Police Discretion," in Varieties of Police Behavior (Cambridge: Harvard University Press, 1968), pp. 83-90; 95-110.

²³ Arthur Weiderhoffer, "Police Cynicism," in his The Ambivalent Force: Perspectives on the Police (Waltham: Gunn, 1970), pp. 179-83.

²⁴ H. Goldstein, op. cit., pp. 110-11.

acceptable alternatives from which to choose, and would develop more expertise in the development of operating policies. But probably "most important, the police would be provided with a more realistic and healthier atmosphere in which to function. It would no longer be necessary for a police administrator to dodge issues, to maintain an image that is unsupported by practice, or to be less than forthright in his dealings with the public."²⁵ Another benefit which would accrue would be more "accurate descriptions of the types of problems police officers handle ... [which could be of use] for both researchers ... and police administrators."²⁶ So, as can be seen, there are an impressive number of benefits to be gained from structuring discretion, however, as mentioned earlier, there are also some problems.

Problems Encountered.

"Structuring discretion will

²⁵ Ibid., p. 111.

²⁶ Richard J. Lundman, ed. Police Behavior: A Sociological Perspective (New York: Oxford University Press, 1980), p. 62.

[not be an] ... easy task. ... It will require time, perserverance, and experimentation to develop the needed guidelines and to provide adequate mechanics for their implementation."²⁷ The two major problems in structuring is addressed by two questions, the answers to which can vary according to the local environment. First, "to what extent should discretion be structured?" Some police officers might think that to structure discretion would create volumes of policy which would be too cumbersome to work with and would reduce their responses to a mechanical application of rules, however, this should not be the case. The purpose of structuring would be to eliminate unnecessary discretion, provide a reasonable balance between rules and discretion, and provide the police with more appropriate guidelines for performing their duties. The next question is "who should make the ultimate decision on the proper alternatives?"²⁸ This particular question isn't as easy to answer or even to

²⁷ H. Goldstein, loc. cit.

²⁸ Ibid., pp. 112-13.

deal with because of the wide ranging impact of some of the issues, and budget considerations. This leads us to look at some of the alternative methods available for structuring discretion.

Alternative Methods. The four most widely accepted methods for structuring police discretion have been identified as legislation, budgeting, judicial rule-making, and administrative rule-making. In briefly describing each one, legislation involves the city council or other similar legislative body enacting the ordinances and approving detailed guidelines for police operations. Budgeting involves the use of a city council's budget-making process to determine enforcement alternatives, because "the amount of money a city council appropriates determines to a large extent, the services the police will provide."²⁹ Judicial rule-making involves trial and appellate judges making procedural rules effecting discretion on the basis of reviewing legal cases which come under their jurisdiction.

²⁹ Ibid., p. 114.

And, the last method, administrative rule-making, involves having the mayor, city manager, or police administrator making the rules and policies. Of these alternative methods, administrative rule-making appears to be the most logical for structuring police discretion. So far this method has received the strongest support from authoritative scholars in administrative law, and is also receiving support from legislators, judges, and other officials.³⁰ Administrative rule-making procedures will be further discussed below and in chapter 5 of this study in the recommendation for United States Air Force Law Enforcement planners. After police discretion has been adequately structured, and even during the structuring process, an effort needs to be made toward more effective control.

Controlling Discretion

Three major considerations become obviously apparent in a discussion of controlling police discretion. Namely: administrative rule-making, leadership, and training.

³⁰ Ibid., pp. 116-17.

Administrative Rule-making. Just as administrative rule-making is accepted as a key factor in structuring discretion, it also plays an important role in controlling police discretion by delineating the most commonly accepted ranges of police discretionary alternatives in the form of written policy and procedures which is to be used and adhered to by police personnel in the performance of their duties. By establishing rewards and sanctions for varying degrees of compliance with the letter and the spirit of departmental policy, police administrators should be able to approach an acceptable degree of control over the

discretionary actions taken by their personnel. Davis summarizes fourteen reasons in favor of administrative rule-making by the police as follows:

1. The quality of enforcement policy will be improved because it will be made by top officers instead of by patrolmen. The top officers obviously have skills and broad understanding that patrolmen typically lack. Under the present system the high officers seldom participate in making enforcement policy and are often uninformed of what it is. But whatever rulemaking is done is likely to be done by high officers. Indeed, when sharp issues attract wide public attention, the city council may inevitably take over some of the policymaking, and in some instances the ... legislature may. And that will be as it should be.

2. The quality of enforcement policy will be improved because the preparation of rules will lead to

appropriate investigations and studies by qualified personnel, including specialists with suitable professional training. No longer will it be made primarily by the offhand guesswork of patrolmen.

3. The quality of enforcement policy will be improved because it will be made by officers who are addressing their minds to the problems of what the policies should be and why. No longer will the explanation for enforcing a statute be: "Because we are required to enforce the law." No longer will the explanation for not enforcing a statute be: "Because we can't enforce everything."

4. The quality of enforcement policy will be improved by openness, for the police will further develop those practices that the public approves and will minimize or eliminate those that cannot stand the light of day. ... Practices at the other end of the spectrum may often have to be discontinued, such as some involving police harrassment, nonarrest for serious felonies when the victim does not sign the complaint, nonarrest for attempted bribery, and deliberate destruction or confiscation of property without due process of law. Putting all law enforcement policy through the wringer of rulemaking procedure is likely to mean the elimination of numerous undesirable practices.

5. The quality of enforcement policy will be improved by suggestions and criticisms that come from the public. Even the best of administrators in federal agencies usually find that written comments on proposed rules call to their attention effects that even the most careful studies have failed to uncover.

6. Policy formulated through rulemaking procedure is more likely to carry out community desires. Today the police usually make guesses about what the public wants. Much of the present police policy runs counter to the literal meaning of statutes enacted by the people's representatives, and secret determinations are therefore not only undemocratic but antidemocratic. Rulemaking may also lead to opinion sampling by scientific methods developed by sociologists.

7. A great gain from use of rulemaking procedure will be the education of the public in the reality that the police make vital policy. The public are now inclined to assume, as even the police do much of the time, that the police merely enforce the law and have little or nothing to do with policymaking. One reason that the police are so primitive in the methods they use for making policy is that police, legislators, and the public all tend to go along with the false pretense

that all criminal law is fully enforced. What all the consequences may be of public education in the realities probably cannot be foreseen. But anyone who believes in the democratic process should be pleased at the prospect of a sounder public understanding.

8. Bringing enforcement policy out into the open will increase the fairness to those affected by the policy. Fairness requires opportunity to know not only the formality of the law (statutes and judicial opinions) but also the reality of the law (what is enforced). When excessive criminal statutes are cut back by nonenforcement, one who wants to act contrary to the statute but in accordance with what the enforcement policy permits should be entitled to know the enforcement policy. A man and woman who want to live together without marriage should be entitled to know that the statute against fornication has not been enforced in such circumstances for many decades. A group of retired people who want to play cards for small stakes in the park on a summer day, with coins on the table, should be entitled to know how the police enforcement policy applies to them.

9. Open rulemaking based on the realities of the policy problems that confront the police should demonstrate to legislative bodies the need for reworking criminal legislation to bring it into accord with what is practicable from the standpoint of enforcement. When a statute makes criminal any act from A to Z and the police enforcement policy reaches acts from A to D and is unclear about acts from E to H, what is needed is a statutory closing of the gap either from D to Z or from H to Z, or at least a narrowing of it, either by a clear direction to the police to enlarge the area of enforcement or by cutting back the statute, or by a little of each. Legislative bodies are often deficient in taking care of such problems. Open police rulemaking will either prod them or do the job for them.

10. Police rulemaking can and should gradually take the place of the somewhat unsatisfactory exclusionary rule, elaborately fabricated by the courts, now governing two or three percent of police activities. The exclusionary rule sometimes has the undesirable effect of allowing a guilty person to go free. Rules made by the police and carried out by the police can accomplish the basic purpose, without that undesirable effect.

11. Police rulemaking can gradually ease the judicial burden of fabricating and administering the exclusionary rule, a task the federal courts should

never have undertaken. A better way for the federal courts to get the results the Constitution requires is to require the police to make the rules, and then for the courts to review the police rules. The judges can keep their fingers on the controls while at the same time shifting most of the affirmative burden of rulemaking to the police. And the judicially required rulemaking can reach all police activities, not just the two or three percent reached by the exclusionary rule.

12. Police rulemaking will mean that police enforcement policy will no longer be almost completely exempt from judicial control, as it has been from the beginning of American Government. A limited judicial review of the kind that is customary with respect to other administrative action is clearly desirable. Members of the bar are likely to be almost unanimous in that judgment. No one ever planned the system of unreviewability of police enforcement policy, and no one would; it just grew that way, and it stayed that way because of the combination of inertia with the inability of anyone to invent a feasible way to get away from the unreviewability. Police rules, as such, can be reviewable even before the police carry them out in any particular case

13. Open rulemaking will promote equal justice by reducing policy differences from one officer to another. The present system of allowing most enforcement policy to be made by the patrolman handling each case causes unnecessary disparity. One who is arrested for an act for which most officers do not arrest may be the victim of unfair discrimination. An enforcement policy which is always precisely equal may be unattainable, but the present disparity is wholly unnecessary and should be corrected by rules that will either direct the officer or guide his discretion.

14. Possibly most important of all is the idea that rulemaking can reduce injustice by cutting out unnecessary discretion, which is one of the prime sources of injustice. Necessary discretion must be preserved, including especially the needed individualizing--the adapting of rules to the unique facts of each case. Officers should not have power to determine each case in accordance with their momentary whims what overall policy they prefer. They have that power now, and that is the power that rulemaking should subtract.³¹

Leadership. Although control of discretion through policy development is the major emphasis of this discussion it would be inappropriate to assume that policy-making by itself is a panacea for controlling discretion. Because police personnel are also human beings, and as such are imperfect creatures, effective leadership and supervision are needed to ensure that they understand the policies and are employing the proper procedures in order to comply with them. Some police personnel can be led to this goal, others have to be encouraged, and still others must be pushed to accomplish the objectives of effective policy. Although a situational leadership approach³² is probably the most desirable, the researcher believes that the frequency of meaningful contact between a police leader and his/her subordinates is one of the most important elements in achieving acceptable and proper application of established

³¹ Kenneth Culp Davis, Police Discretion (St. Paul: West, 1975) pp. 112-19.

³² Paul Hersey and Kenneth H. Blanchard, Management of Organizational Behavior: Utilizing Human Resources (Englewood Cliffs: Prentice-Hall, 1982), passim.

department policy.³³

Training. Effective policy and leadership, however, would still go wanting in the accomplishment of police and community objectives without an effective training and education program to instill in both the police officers and the members of the community, the rationale and techniques of application of the various policies and procedures. Training of police officers on the proper use, and limits of their discretionary authority should begin at the earliest possible stages of their careers, such as at the police academy. Subsequent training could be administered as part of an in-service training program, to include formal classroom sessions, as well as role call training, and one-on-one training by supervisory personnel in their departments. Much of the badly needed community educational efforts could be accomplished through the local mass media and educational brochures prepared by the police agency.

³³ Statement based upon observations of the researcher over a period of more than 20 years experience in the USAF security police career field.

Chicago Police Study

During the summer of 1974, Davis³⁴ conducted a study of the 13,400 person police department in Chicago. He and his staff of five research assistants interviewed "about 300 officers," including the superintendent and five deputy superintendents, under the watchful eye of "a representative of the department's research division."³⁵

Davis' "broad purpose was to identify the discretionary powers of the police and to find out how and to what extent they are controlled."³⁶ Further, he wanted to "find or invent better ways to control police discretion in determining whether and when to enforce a particular law [selective enforcement]."³⁷ Davis' proposition that "open selective enforcement is legal," formed the foundation for his thesis, which was

³⁴ Davis is actually John P. Wilson; during the study he was a Professor of Law at the University of Chicago.

³⁵ Kenneth Culp Davis, Police Discretion (St. Paul: West, 1975), pp. 174-75.

³⁶ Ibid., p. 173.

³⁷ Ibid., p. iii.

(1) that the false pretense [of full enforcement of all criminal law] should be terminated, (2) that the selective enforcement policies should be open [to review and critique], (3) that top officers should make the overall policies, (4) that they should use professional staffs for making it, (5) that for much of it they should use rulemaking procedure of the kind that federal administrative agencies customarily use, and (6) that patrolmen should no longer make overall enforcement policy.³⁸

During the course of his inquiry, Davis found that the "methods by which the Chicago police make enforcement policy are grossly deficient in five respects:"

(1) Top officers fail to make most of the policy, so that patrolmen become the primary makers of the policy. (2) No one in the department makes special studies for the purpose of formulating policy. The policy choices are usually based on nothing better than patrolmen's offhand judgments. (3) The department does not employ professional staffs who have the requisite training in various fields. The department does not even have a staff of legal advisors. (4) The department has no administrative procedure for ascertaining preferences of the community about enforcement policy or for allowing members of the public to know and to criticize the department's enforcement policy. (5) The department makes no effort to coordinate its enforcement policy with the policy of prosecutors and judges, and some of its enforcement policy is based on misimpressions of the policy of prosecutors and judges.³⁹

Davis asserts that by using an administrative rulemaking procedure ... "rule[s] may reduce unnecessary

³⁸ Ibid., p. v.

³⁹ Ibid., p. 51.

discretion without cutting into needed discretion." He explains that most police officers can exercise discretion "wisely, justly, and beneficently," but that a need exist to control police discretionary actions because "... that out of a thousand officers, no matter how well screened, a large portion may be expected to abuse their power to a considerable extent," and several will probably become involved in very serious abuses of their discretionary power on occasion.⁴⁰ He further suggests that whether police officers are right or wrong in accordance with the laws, while taking their discretionary actions, is relatively unimportant. What is important, however, is "their belief" that they are taking the most appropriate action under the circumstances; this is how "policy is made by patrolmen." Davis asserts that on a scale from zero to a hundred, discretion is almost always well above zero and almost always well below a hundred"... and that an officers "choice between rule and discretion may turn out ... to be a

⁴⁰ Ibid., p. 143-4.

choice between, say, forty and sixty on the scale." He claims that he found that the Chicago police "need to reduce discretion from something like sixty on the scale to something like forty" on a large number of subjects. He apparently feels that this ratio would be "the right mix of rule and discretion" for the Chicago police.⁴¹

Davis brought up a very interesting point concerning the legality of enforcement policy as pertains to selective enforcement. He indicated that "The Supreme Court ... has held an ordinance unconstitutional on the ground that its vagueness 'permits and encourages arbitrary and discriminatory enforcement of the law.' He suggested that the "vagueness of an enforcement policy" could make the discretionary practices of the personnel assigned to a given police agency unconstitutional on the same grounds.⁴²

In conclusion, it appears that Davis' study has greatly aided in the understanding of police discretionary actions.

⁴¹ Kenneth Culp Davis, Police Discretion (St. Paul: West, 1975), pp. 154-55.

⁴² Ibid., p. 169.

Connecticut State Police Study

During the Spring of 1972, Moran⁴³ conducted a study of the 300 members of the Connecticut State Police Department.⁴⁴ He reviewed "three major segments of the departments policies and procedures," to include: "the institutional setting in which discretion is exercised, the characteristics of the command system ... , and the various leadership styles ... [of] first-line supervisors."⁴⁵

Moran hypothesized that "control of police discretion is predicated upon the willingness of the field personnel to consult the supervisor on the former's discretionary problems." He asserts that what is needed is supervisors who are less authoritarian and "more consultative" in order to open up the communication channels between police

⁴³ T. Kenneth Moran was associate professor of law and police science at John Jay College of Criminal Justice when his study was published in 1978.

⁴⁴ T. Kenneth Moran, "Toward More Effective Control of Police Discretion: The Cooperative Supervisory Model," Journal of Police Science and Administration 6, no. 3 (1978): 257.

⁴⁵ Ibid., p. 256.

officers and their immediate supervisors. Moran termed this the "Cooperative Model of First-Line Supervision."⁴⁶

Moran suggests that the "ability of the first-line supervisor to control the patrolman in discretionary enforcement situations is predicated" on the amount of knowledge and experience the supervisor has on the job, and the ability of the supervisor to gain the confidence of his or her subordinates. He assumes that effective police leadership consists of "allowing the patrolman sufficient freedom to carry out his responsibilities while at the same time providing sufficient supervisory control to insure that the law is enforced in a consistent manner."⁴⁷

During his inquiry Moran found that the "Connecticut State Police organizes its patrol as a reactive organization," i.e., organized primarily to provide response to public needs. Because "so many demands" are placed on the troopers while they're working (as a result of

⁴⁶ Ibid.

⁴⁷ Ibid.

responding to calls) they're given a great deal of freedom in establishing their "own work priorities."⁴⁸

The command system of the Connecticut State Police Department is "modeled after the traditional military organization," however, the troopers normally "work alone in their cruisers patrolling the roads of Connecticut" and therefore the military system of command and control only partially affects their activities. The troopers are supervised primarily through review of their written reports.⁴⁹

Moran administered a questionnaire to the first-line supervisors, in which they were to "self-dei " their leadership styles. "Seventy-four percent of the respondents defined roles which [were] in conflict with the trooper's need for flexibility in the field." In other words the responses were inconsistent with the cooperative model. Also, "eighty-one percent of the troopers felt that their

⁴⁸ Ibid., p. 257.

⁴⁹ Ibid.

supervisors handicapped them in the field."⁵⁰

Moran concludes his study by asserting that " ... if discretion is to be brought under control, the traditional authoritarian supervisory techniques ... must be changed." He offers the following four proposals "designed to improve" control over police discretionary activities:

1. Discretionary rules must be clearly articulated and communicated directly to the field personnel; the rules must specifically address the established informal method of dealing with the particular offense.
2. Channels of communication must be developed and maintained to provide a mechanism for continued monitoring of the exercise of police discretion.
3. First-line supervisors must develop strategies to routinely review field decisions to insure that discretionary rules are being carried out in a manner consistent with departmental policy.
4. A program must be developed to train supervisory personnel in the techniques of cooperative supervision.⁵¹

He indicates that the above recommendations will require a "substantial change in managerial attitude" and a great deal of effort by executives and supervisors.⁵²

⁵⁰ T. Kenneth Moran, "Toward More Effective Control of Police Discretion: The Cooperative Supervisory Model," Journal of Police Science and Administration 6, no. 3 (1978): 257.

⁵¹ Ibid., pp. 262-63.

⁵² Ibid., p. 263.

Discussion of Previous Research

The controversial subject area of police discretion has been studied by numerous scholars, especially within the past two decades. For this reason there is a tremendous amount of literature which focuses upon the study of discretionary practices within a number of different police agencies, and also quite a number which discuss police discretionary activities as a sideline to their main topics. As a result of the volumes of excellent material which has been developed in this subject area, it was necessary for the researcher to be highly selective in deciding which works of literature were most suitable for inclusion within this study. The literature cited in this study is believed to be the most authoritative and relevant material available.

In the Chicago police study of 1974, Davis' broad purpose "to identify the discretionary powers of the police, ... to find out ... to what extent they are controlled,"⁵³

⁵³ Kenneth Culp Davis, Police Discretion (St. Paul: West, 1975) pp. 174-5.

... [and to] find ... better ways to control police discretion in determining whether and when to enforce a particular law,"⁵⁴ run parallel to the broad objectives of this study. However, this study is neither a replication of Davis' study, nor of Moran's study of the Connecticut State Police.⁵⁵

Davis' thesis, which advocates that police agencies employ administrative rule-making procedure to reduce the amount of unnecessary police discretionary actions should be an ultimate goal of every professional police agency.⁵⁶ His imaginary scale for "the right mix of rule and discretion," however, is a personal judgment criteria which would vary from one police agency to the next, and from one police officer to the next, depending upon the particular

⁵⁴ Ibid., p. iii.

⁵⁵ T. Kenneth Moran, "Toward More Effective Control of Police Discretion: The Cooperative Supervisory Model," Journal of Police Science and Administration 6, no. 3 (1978): passim.

⁵⁶ Davis, op. cit., p. v.

action being contemplated.⁵⁷ In other words, it would be a matter left to the discretion of the deciding authority.

Davis' suggestion that an enforcement policy could possibly be declared unconstitutional due to its vagueness is a very interesting idea.⁵⁸ This same line of reasoning could also be applied to the absence of a standardized enforcement policy, and could have far reaching implications if acted upon by the judiciary.

Moran's assertion that the leadership style of first-line police supervisors has an effect on the amount of informal police discretion employed by patrolmen is certainly a plausible idea, however, not enough research has been done in this area to lend the idea any degree of credibility.⁵⁹ As stated previously in the Leadership section of this chapter, the researcher believes that the particular leadership style of the supervisor is not as

⁵⁷ Ibid., pp. 154-5.

⁵⁸ Ibid., p. 169.

⁵⁹ Moran, op.cit., p. 257.

important as frequency of meaningful contact between police supervisors and patrol personnel.

Moran's first three, of his four, recommendations tend to be supportive of implementing an administrative rule-making procedure in an effort to control police discretion.⁶⁰ His proposals are therefore supportive of the broad goals of this study.

Although the specific areas of inquiry of the research project in this study are somewhat different, and can even be considered an extension of previous research, as can be seen the broad goals of identifying the extent of control over police discretionary activities and finding a way to improve that control are virtually the same.

The research project in this study focuses on finding out, through the perceptions of USAF security police personnel, whether or not policy affects morale, the self-reported amount of informal discretion used, and if amount of police experience is related to the need for policy.

⁶⁰ Ibid., pp. 262-3.

Summary

In the last chapter, Chapter 1, the problem under study was discussed, to include an explanation of the need and purpose of this inquiry, and a listing of the three propositions to be investigated. It was also explained that no theory had yet been developed for this area of inquiry, and then some terms and definitions which will be used throughout this study were provided. Chapter 1 concluded with a brief overview of the entire study.

In this chapter, Chapter 2, a review of related literature attempted to make clear that there is a great deal of concern over the exercise of police discretion in general. This is primarily because the police are one of the most powerful subsystems of the criminal justice system, their discretionary powers are very comprehensive, and of all of the criminal justice system agencies the police have the most freedom not to invoke the criminal justice process. Also, in this chapter, a discussion of the need for formal recognition of police discretion revealed that society does not live under an ideal rule of law, but

rather, lives under rule of law which is developed, maintained, rescinded, and abolished by the discretion of men. Also briefly discussed was the current trend in favor of formally recognizing needed police discretionary actions. Next, a discussion on why and how to structure discretion revealed a surprising number of benefits to be gained, a couple of major problems which can be anticipated, and four alternative methods which can be used; the recommended method being establishment of administrative rule-making procedures in police agencies. During and after the structuring process exists a need to control discretion. It was explained that this can best be done through the use of the administrative rule-making process, for which fourteen benefits are given, and through effective leadership and training.

Toward the end of this chapter, two related studies, one conducted by Kenneth Culp Davis in Chicago during the summer of 1974, and the other conducted by T. Kenneth Moran with the Connecticut State Police Department in the spring of 1972, were briefly presented, discussed, and related to

this study.

In the next chapter, Chapter 3, the study design will be presented and will include information about the study sample, measurement methodology, design, propositions to be investigated, and form of analysis to be used. Chapter 4 will contain a detailed analysis of the results of the self-administered survey questionnaire.

CHAPTER 3

Design of the Study

Introduction

This chapter will focus on identifying various demographic characteristics of the research sample, the nature of the measurement instrument--to include an estimate of the criterion group's reliability, and the research design selected for this study. Thereafter, the research propositions will be restated, and the plan for analysis of the data gathered will be discussed. This chapter will be concluded with a summary of the overall design of the study.

Sample

The population from which the sample was selected consists of about 10,392 United States Air Force Security Police law enforcement personnel assigned to various locations around the world.¹

¹ Telephone interview with Captain Sue Vroom, Operations Officer, 323d Security Police Squadron, Mather Air Force Base, California, 17 July 1984.

The survey population consists of 108 United States Air Force Security Police law enforcement personnel assigned to Mather Air Force Base, California. The base is located adjacent to Rancho Cordova, and is about seven miles west of Sacramento, California.

The survey sample consists of seventy-five of the above personnel, and include all who were available for duty on 24 and 26 June 1984.² Of the seventy-five personnel; eight are females between eighteen and forty years of age, and the remaining sixty-seven are males between seventeen and forty-three years old.³

The primary demographic characteristics of the survey sample are the rank and experience categories listed towards the end of the measurement section of this chapter.

Measurement

The measurement instrument is a ten item questionnaire

² Excluding a base defense training class on 26 June 1984.

³ Telephone interview with Captain Sue Vroom, Operations Officer, 323d Security Police Squadron, Mather Air Force Base, California, 16 July 1984.

with instructions and adequate space provided at the end to allow for open-ended comments (see Appendix B for an exact instrument reproduction). The questionnaire was designed to solicit responses which would tend to provide support or non-support, as the case may be, for the three propositions which were developed to guide the inquiry. The propositions are stated in Chapter 1, as well as below. The broad question to be answered by the questionnaire is: "Do USAF Security Police law enforcement personnel need more effective controls over their discretionary actions?"

The questionnaire was originally developed specifically for the purpose of measuring the perceptions of security police law enforcement personnel, and is therefore not an attempt to replicate any previous research.

In an effort to determine the acceptability of proposition 1, questionnaire items 1 through 6 were developed as follows:

Item 1: To measure formalness, and uniformity, of discretionary enforcement action a thought-provoking situation was provided about a potential drunk driving case.

The respondents were required to select only one of the following five response categories; (1) apprehend/detain and initiate formal booking, (2) initiate formal booking without detaining, (3) make an information report only (no charges), (4) give a verbal warning only, and (5) ignore the offense altogether. A response to one of these categories permits evaluation of the respondents by degree of formality of their discretionary action, and will possibly show that many security police personnel process the same situation somewhat differently.

Item 2: To measure perceived adequacy of formal policy respondents were asked what influenced their decision most in selecting a course of action in the preceding situation. The following response categories were provided; (1) formal, written, policy guidance, (2) informal (unwritten) organizational policy, (3) informal policy of immediate supervisor, (4) informal policy of peers, and (5) informal personal policy. A response in any category, other than the first would tend to indicate the perceived inadequacy of formal policy to deal with this situation.

Item 3: Another measure of the adequacy of formal policy was provided by having the survey sample respond to the following statement: "Formal, written, organizational policy adequately addresses and provides clear guidance for taking action in the preceding [potential drunk driving] situation." For response a five item Likert response category, ranging from "strongly agree" to "strongly disagree," was provided.⁴

Item 4: To measure perceived policy stability a number of various offenses were listed followed by a positive statement that the policy relating to the offenses "is relatively stable." For response a five item Likert response category, ranging from "strongly agree" to "strongly disagree," was provided.⁵

Item 5: Policy need perceptions were measured by asking respondents to indicate what amount of policy was needed. Five response categories were provided; (1) a great

⁴ Earl Babbie, The Practice of Social Research, 3d rev. ed. (Belmont: Wadsworth, 1983), p. 380.

⁵ Ibid.

amount more, (2) somewhat more, (3) current amount adequate (4) somewhat less, and (5) a great amount less. Any response indicating that more policy was needed gives an indication of policy inadequacy.

Item 6: The last measure of the adequacy of formal policy asked the respondents to estimate the amount of informal discretionary actions they would normally take on the job during the course of a month. Five response categories were provided, ranging from "less than 5%" to "more than 50%." A high amount of informal discretionary action will give an indication of formal policy inadequacy, and a low amount of informal discretion will indicate that formal policy is adequate.

The acceptability of proposition 2 was evaluated through the use of questionnaire items 7 and 8, as follows:

Item 7: The following statement was provided in an effort to measure both an indication of morale and an expressed need for comprehensive policy guidance: "The lack of ... policy guidance ... often leaves me wondering whether or not I have made the right decision." For response a five

item Likert response category, ranging from "strongly agree" to "strongly disagree," was provided.⁶

Item 8: Another measure of morale was developed by presenting the following statement: "The absence of understandable and stable policy ... leaves me ... where I'm not sure what I'm supposed to do This ... has a tendency to lower my morale" For response a five item Likert response category, ranging from "strongly agree" to "strongly disagree," was provided.⁷

The acceptability of proposition 3 was determined by varying questionnaire items 9 and 10 with items 5 and 7.

Item 9: Military rank, an indicator of experience, was obtained by having the survey sample respond to one of the following categories which were listed from most senior in rank to the most junior; (1) field grade officer (major through colonel), or MSgt (master sergeant) through CMSgt (chief master sergeant), (2) captain with over four years

⁶ Ibid.

⁷ Ibid.

time in grade, or TSgt (technical sergeant), (3) captain with under four years time in grade, or SSgt (staff sergeant), (4) 1st Lt (first lieutenant), or Sgt (sergeant in pay grade--E-4), and (5) 2nd Lt (second lieutenant), or airman through SRA (senior airman).

Item 10: Security police qualification level, an indicator of experience, was obtained by requesting that the survey sample provide a response to one of the following qualification levels; (1) master (15 or more years experience), (2) senior (7th through 14th year of experience), (3) basic (4th through 6th year of experience), (4) basic (2nd through 3rd year of experience), and (5) basic (less than two years security police experience).

The survey sample's reliability was ensured by asking the respondents only questions to which they could reasonably be expected to provide an accurate answer; by providing six questionnaire items to measure perceived adequacy of policy, two to measure the perceived effect of policy on morale, and four to measure the relationship between experience and expressed need for policy development

and guidance. Reliability can also be verified by comparing the consistency of responses between questionnaire item 7 and 8, which are very similar and were designed to measure the perceived effect of policy on morale. To prevent unreliability on the part of the researcher, the questionnaire was designed to be self-administered, and was given to all respondents in a similar manner. Respondents were presented with a letter of approval, from their commander, identifying the researcher and nature of the questionnaire (see Appendix C) and were then asked if they wanted to complete the questionnaire. All respondents agreed to participate in the survey and no further dialogue ensued between the researcher and respondents.⁸

Design

The research is exploratory in nature and primarily designed for the purpose of conducting a small investigation to provide a beginning familiarity with the subject and a

⁸ Earl Babbie, *The Practice of Social Research*, 3d rev. ed. (Belmont: Wadsworth, 1985), pp. 116-17.

base of data upon which to make recommendations for future research.⁹

The survey sample was selected by means of "purposive or judgmental sampling," which simply means that the sample was selected on the basis of the researcher's "own knowledge of the population, its elements, and the nature of [the researcher's] ... research aims."¹⁰

The survey sample was given a self-administered questionnaire designed to measure the relationships between the independent variable, policy, and the dependent variable, police discretion; the independent variable, and the dependent variable, morale; and, the relationship, if any, between amount of law enforcement experience and expressed need for comprehensive policy guidance.

Propositions

The following propositions were used to guide the research inquiry:

⁹ Ibid., p. 74.

¹⁰ Ibid., p. 178.

1. Perceived inadequate policy development results in an unacceptable amount of officially unrecognized, informal, police discretion.

2. The perceived lack of formal and stable policy guidance on law enforcement operations has a tendency to lower the morale of security police law enforcement personnel.

3. An inverse relationship exists between the need for comprehensive policy guidance and amount of law enforcement experience.

Analysis

Due to the nature of the research design the analysis of data will be dramatically simplified. Relationships between the research variables will be determined by means of univariate and bivariate analysis presented in the form of percentage tables. Because of the design selected, the data can only "suggest or indicate conclusions."¹¹

¹¹ Delbert C. Miller, Handbook of Research Design and Social Measurement, 4th rev. ed. (New York: Longman, 1983), p. 63.

The following assumptions apply to this survey research:

1. A reponse of "neither agree nor disagree" on questionnaire item 3 implies unfamiliarity with the full range of formal policy dealing with drunk driving cases.
2. The lack of formal policy guidance for particular enforcement situations, which leaves law enforcement personnel wondering whether or not they have made the right decision (questionnaire item 7), tends to lower their morale. An agreement with this statement suggests an expressed need for more comprehensive policy guidance.
3. Absence of written comments in the space provided for open-ended discussion at the end of the survey questionnaire implies full acceptance of the arrangement and content of the questionnaire.
4. The survey sample is assigned to a typical United States Air Force, Security Police Squadron, and as such shares a high degree of homogeneity with other security police law enforcement organizations. As a result of the standardized nature of security police law enforcement

operations throughout the Air Force, it would not be unreasonable to suggest that the survey sample is adequately representative of the survey population, which is also representative of the entire sample population. Thus, the findings of this inquiry may indicate conditions which are existent throughout the United States Air Force.

Summary

This chapter focused on identifying various useful demographic characteristics of the research sample, the nature of the measurement instrument--to include an estimate of the criterion group's reliability, the research design, propositions which guided the inquiry, and the plan for the analysis of data which will be presented in the next chapter, Chapter 4. The following brief summarization provides the main points of discussion.

The research design is exploratory in nature. A Judgmental or purposive sampling method was used to select seventy-five (75) law enforcement personnel assigned to Mather Air Force Base, California, for completion of a ten item, self-administered, survey questionnaire. The

questionnaire was designed to investigate the relationships between the independent variable, policy, and the dependent variables, police discretion, and morale. The survey also inquires as to whether or not an inverse relationship exists between law enforcement experience and the expressed need for more comprehensive policy guidance. The three guiding propositions and corresponding inquiry questions are:

1. Inadequate policy results in too much discretion.

Are enforcement decisions standardized?

What form of policy influences decisionmaking?

Is formal policy perceived to be adequate?

Is policy perceived to be relatively stable?

Is more, or less, policy needed?

What amount of informal discretion is being used?

2. Perceived inadequate policy tends to lower morale.

Does policy allow for confident decisionmaking?

Will they state that policy affects their morale?

3. Need for policy varies inversely with experience.

What do the more experienced police indicate?

What do the lesser experienced police indicate?

Due to the nature of the research design the data can only suggest or indicate conclusions, therefore, the analysis will be kept simple by using univariate and bivariate percentage tables.

Four assumptions were presented, the most significant and general being that due to the high degree of homogeneity of the survey sample with the survey population, and even the sample population (over 10,000 law enforcement personnel Air Force wide) the research findings may be generalizable to the entire sample population.

CHAPTER 4

Analysis of Results

Introduction

This chapter will be devoted to re-statement of the three research propositions, in summary form, along with their related inquiry questions, and the data obtained from the survey sample's questionnaire responses. The data will be presented, without interpretation, in the following order: An evaluation of proposition 1, which suggests that "inadequate policy results in too much discretion," is provided by examination of Tables 4.1 through 4.6. The data in these tables were obtained from the survey sample's responses to questionnaire items 1 through 6, respectively. Proposition 2, which suggests that "perceived inadequate policy tends to lower morale," can be evaluated from the data presented in Tables 4.7 and 4.8. These tables present data obtained from questionnaire items 7 and 8, respectively. An evaluation of proposition 3, which inquires into whether or not the expressed "need for policy

varies inversely with experience," is provided by examining Tables 4.9 through 4.14. The data presented in these tables were obtained from questionnaire item 9, and by varying item 9 with items 5 and 7; and, from questionnaire item 10, and by varying item 10 with items 5 and 7, in that order.

After the research data is presented, a discussion will be provided in an effort to further analyze and interpret the findings. The chapter will then be concluded with a summary of the material presented.

Proposition 1

"Inadequate policy results in too much discretion."

Table 4.1 presents data which was obtained in an effort to determine whether or not security police enforcement decisions are standardized. The survey sample was given a hypothetical, thought provoking, situation about a potential drunk driving case and was asked to indicate what their response would be. The table is categorized into five possible courses of action to be taken, ranging from the most formal to the most informal, and the seventy-five law enforcement respondents are indicated by the percentage that

responded to each category. Of the total sample, eight percent selected formal booking with detention, which is the most formal category of discretionary action possible. Only one percent selected formal booking without detention, the second category. In the third response category, eleven percent indicated that they would prepare an information report only (no charges). However, the overwhelming majority of respondents, seventy-three percent (55 of the total 75), selected the informal fourth category indicating that they would give a verbal warning only. In the fifth and most informal category, seven percent of the respondents indicated that they would ignore the offense altogether.

Table 4.1

Formality and Uniformity of Security Police Actions
in the Same Potential Drunk Driving Case

Action Taken	Percent
Formal Booking/Detention (most formal)	8%
Formal Booking Without Detention	1
Information Report Only (no charges)	11
Verbal Warning Only	73
Ignore the Offense (most informal)	7
TOTAL (N=75)	100%

Table 4.2 presents data designed to find out what form of policy influences decisionmaking. When asked what influenced their decision most in the potential drunk driving case, the seventy-five respondents answered as follows: Twelve percent selected the first and most formal choice, formal policy guidance. Nine percent chose the next category, organization's informal policy, but only one percent indicated that their supervisor's informal policy influenced their decision. In the fourth category, seven percent selected their peer's informal policy, however, the vast majority of responses, seventy-one percent, was in the fifth and most informal category, personal informal policy.

Table 4.2

Forms of Policy Influence on Discretion in the Same
Potential Drunk Driving Case

Decisionmaking Influence	Percent
Formal Policy Guidance (most formal)	12%
Organization's Informal Policy	9
Supervisor's Informal Policy	1
Peer's Informal Policy	7
Personal Informal Policy (most informal)	71
TOTAL (N=75)	100%

Table 4.3 presents data designed to find out if formal policy is perceived to be adequate. The seventy-five respondents were asked to agree or disagree on the adequacy of formal organizational policy to provide clear guidance for taking action in the potential drunk driving case. In the first response choice, seven percent strongly agreed that formal policy was adequate. In the next category, twenty-seven percent agreed, and in the third response choice the largest number, forty-three percent (32 security police) neither agreed nor disagreed. Twenty-one percent disagreed, and one percent strongly disagreed.

Table 4.3

Perceived Adequacy of Formal Policy for Providing
Guidance in a Potential Drunk Driving Case

Perception	Percent
Strongly Agree	7%
Agree	27
Neither Agree nor Disagree	43
Disagree	21
Strongly Disagree	1
TOTAL (N=75)	99% ^a

^a Does not equal 100% due to rounding.

Table 4.4 presents data designed to find out if policy is perceived to be stable. When asked to agree or disagree on the relative stability of either formal or informal policy, in the first response choice, seven percent of the respondents strongly agreed that policy was stable. In the second category, the large majority, sixty percent (45 of the 75 total), agreed. Twenty-one percent of the sample neither agreed nor disagreed with the statement, and twelve percent disagreed on the relative stability of policy. There were no responses at all in the strongly disagree response category.

Table 4.4

Perceived Stability of Policy Guidance by Response
to: "Policy Guidelines are Relatively Stable."

Perception	Percent
Strongly Agree	7%
Agree	60
Neither Agree nor Disagree	21
Disagree	12 ^a
Strongly Disagree	-- ^a
TOTAL (N=75)	100%

^a There were no responses in this category.

Table 4.5 presents data designed to determine whether there is a perceived need for more, or less, policy guidance. When the seventy-five respondents were asked to express their opinions about the needed amount of policy, four percent selected the first response, indicating a need for a great amount more. Forty percent indicated a need for somewhat more, however, the largest number, fifty-one percent (38 respondents), chose the third response, indicating that the current amount [of policy is] adequate. Four percent expressed a need for somewhat less policy, and only one percent selected the fifth choice, indicating a need for a great amount less.

Table 4.5

Policy Need Perceptions by Responding to: "In My
Opinion We Need":

Perception	Percent
A Great Amount More	4%
Somewhat More	40
Current Amount Adequate	51
Somewhat Less	4
A Great Amount Less	1
TOTAL (N=75)	100%

Table 4.6 presents data designed to estimate the self-reported amount of discretion being employed. The seventy-five survey sample respondents were asked to indicate the estimated amount of informal police discretion that they would normally use in the course of a month. Only nine percent indicated an ideal amount of less than 5%. Twenty-eight percent indicated an acceptable amount of between 5% to 15%. In the third category, the largest number, thirty-one percent (23 respondents), indicated an unacceptable range of between 16% to 30%. Twenty-seven percent indicated from 31% to 50%, and five percent indicated that more than 50% of their police discretionary actions were informal.

Table 4.6

Self-Reported, Estimated, Amount of Informal Police
Discretion Used in any Given Month

Percentage Range	Percent
Less Than 5% (ideal)	9%
5 to 15 (acceptable)	28
16 to 30 (unacceptable)	31
31 to 50	27
More Than 50	5
TOTAL (N=75)	100%

Proposition 2

"Perceived inadequate policy tends to lower morale."

Table 4.7 presents data designed to provide a measure of morale and the expressed need for more policy guidance. The sample was asked to indicate if the lack of formal policy guidance left them wondering whether or not they had made the right decision. An affirmative response would tend to indicate lowered morale and a need for more policy. Four percent strongly agreed. Thirty-two percent (24 of 75 respondents) agreed. In the third response choice, twenty-eight percent neither agreed nor disagreed. Twenty-five percent disagreed, and eleven percent strongly disagreed.

Table 4.7

Policy Needs/Lowered Morale by Response to: "Lack of Policy Often Leaves Me in Doubt About Decisions"

Perception	Percent
Strongly Agree	4%
Agree (lowered morale)	32
Neither Agree nor Disagree	28
Disagree	25
Strongly Disagree	11
<u>TOTAL (N=75)</u>	<u>100%</u>

Table 4.8 presents data designed to determine the effect of the perceived lack of policy guidance on morale. The seventy-five respondents were asked to agree or disagree that the lack of policy and procedures lowered their morale. Twelve percent of the sample strongly agreed, and twenty-one percent agreed that the absence of adequate policy lowered their morale. Fifteen percent neither agreed nor disagreed. The largest group, forty percent (30 respondents) disagreed, and eleven percent selected the fifth response category indicating that they strongly disagreed with the statement.

Table 4.8

Effect of the Lack of Adequate Policy on Morale by
Response to: "Lack of policy ... Lowers My Morale."

Perception	Percent
Strongly Agree	12%
Agree	21
Neither Agree nor Disagree	15
Disagree	40
Strongly Disagree	11
<u>TOTAL (N=75)</u>	<u>99%^a</u>

^a Total does not equal 100% due to rounding.

Proposition 3

"The Need for Policy Varies Inversely With Experience."

Table 4.9 graphically displays the rank distribution of the seventy-five survey sample respondents by broad category. Five percent were in the highest category, field

Table 4.9

Rank Distribution of Survey Sample by Percent in
Each Broad Category

Rank Category	Percent
Field Grade Officer, or MSgt - CMSgt ^a	5%
Capt Over Four Years in Grade, or TSgt ^b	8
Capt Under Four Years in Grade or SSgt ^c	21
First Lieutenant, or Sergeant ^d	13
Second Lieutenant, or AMN - SRA ^d	52
<u>TOTAL (N=75)</u>	<u>99%^e</u>

^a Field grade officers are in the grade of major through colonel; MSgt - CMSgt is an abbreviation for master sergeant through chief master sergeant.

^b Capt and TSgt abbreviates captain and technical sergeant, respectively.

^c Capt and SSgt abbreviates captain and staff sergeant, respectively.

^d AMN - SRA is an abbreviation for airman through senior airman.

^e Does not equal 100% due to rounding.

grade officer (major through colonel), or master sergeant through chief master sergeant. Eight percent were in the captain with over four years in grade, or technical sergeant category, and twenty-one percent were the captain with under four years in grade, or staff sergeant category. Thirteen percent were in the first lieutenant, or sergeant category, and the majority, fifty-two percent (39 respondents) were in the lowest category, second lieutenant, or airman through senior airman.

Table 4.10 (p. 73), displays the results of varying Table 4.5 (p. 65), with Table 4.9, and is designed to check the relationship between rank (experience indicator) and the expressed need for policy development. In the first response choice, ten percent of the respondents in the first lieutenant, or sergeant rank category, and five percent in the second lieutenant, or airman through senior airman rank category, indicated a need for a great amount more policy development. There were no other responses in the first choice. In the second response choice, seventy-five percent (3 of the 4) of the field grade officer (major through

Table 4.10

Relationship Between Rank Category and Expressed Need for
Policy Development

Expressed Need	Rank Category				
	Highest		Lowest		
	(1) ^a	(2) ^b	(3) ^c	(4) ^d	(5) ^e
Great Amount More	-- ^f	--	--	10%	5%
Somewhat More	75%	33%	25%	60	38
Current Amount Adequate	25	33	75	30	51
Somewhat Less	--	17	--	--	5
Great Amount Less	--	17	--	--	--
TOTAL (N=75)	100% (4)	100% (6)	100% (16)	100% (10)	99% ^g (39)

^a The highest rank category includes field grade officers (major through colonel), or master sergeants through chief master sergeants.

^b This rank category includes captains with over four years time in grade, or technical sergeants.

^c This category includes captains with under four years time in grade, or staff sergeants

^d This category includes first lieutenants, or sergeants.

^e The lowest rank category includes second lieutenants, or airman through senior airman.

^f -- indicates that there were no responses for these particular choices.

^g Does not equal 100% due to rounding.

colonel), or master sergeant through chief master sergeant (MSgt - CMSgt) rank category expressed a need for somewhat more policy development. Thirty-three percent (2 of the 6) of the captain with over four years in grade, or technical sergeant (Capt over/4, or TSgt) category, and twenty-five percent (4 of the 16) of the captain with under four years in grade, or staff sergeant (Capt under/4, or SSgt) category indicated a need for somewhat more policy development. Sixty percent (6 of the 10) of the first lieutenant, or sergeant (1LT, or Sgt) category, and thirty-eight percent (15 of the 39) of the second lieutenant, or airman through senior airman (2LT, or AMN - SRA) category indicated an expressed need for somewhat more policy development. In the third response choice, twenty-five percent of the field grade officer, or MSgt - CMSgt category indicated that the current amount [of policy is] adequate. In the Capt over/4, or TSgt category, and in the Capt under/4, or SSgt category, thirty-three percent and seventy-five percent, respectively, indicated that the current amount [of policy is] adequate. Seventeen percent of the Capt over/4, or TSgt category, and

five percent of the 2LT, or AMN - SRA categories indicated an expressed need for somewhat less policy; there were no other responses for this choice. The only category of responses in the fifth response choice was seventeen percent of the Capt over/4, or TSgt category who indicated an expressed need for a great amount less policy development. Of the entire seventy-five respondents four percent (3 respondents) indicated a need for a great amount more, and forty percent (30 respondents) indicated a need for somewhat more, policy development. Fifty-one percent (38 of the 75) felt that the current amount [of policy was] adequate. Eight percent (6 of the 75) expressed a need for somewhat less, and one percent (1 of the 75) expressed a need for a great amount less, policy development.

Table 4.11 (p. 76), displays the results of varying Table 4.7 (p. 69), with Table 4.9 (p. 71), and is designed to investigate the relationship between rank (an indicator of experience) and the expressed need for policy guidance. In the first response choice, ten percent of the respondents in the first lieutenant, or sergeant rank

category, and five percent in the second lieutenant, or

Table 4.11

Relationship Between Rank Category and Expressed Need for Policy Guidance by Response to: "Lack of Policy Guidance Often Leaves Me in Doubt About Making the Right Decision."

Expressed Need	Rank Category				
	Highest		Lowest		
	(1) ^a	(2) ^b	(3) ^c	(4) ^d	(5) ^e
Strongly Agree	-- ^f	--	--	10%	5%
Agree	25%	17%	31%	30	36
Neither Agree nor Disagree	50	17	19	20	33
Disagree	25	33	44	20	18
Strongly Disagree	--	33	6	20	8
TOTAL	100%	100%	100%	100%	100%
(N=75)	(4)	(6)	(16)	(10)	(39)

^a The highest rank category includes field grade officers (major through colonel), or master sergeants through chief master sergeants.

^b This rank category includes captains with over four years time in grade, or technical sergeants.

^c This category includes captains with under four years time in grade, or staff sergeants.

^d This category includes first lieutenants, or sergeants.

^e The lowest rank category includes second lieutenants, or airman through senior airman.

^f -- indicates that there were no responses for these particular choices.

airman through senior airman rank category, strongly agreed on a statement indicating that; "lack of policy guidance often leaves me in doubt about making the right decision." This reflects an expressed need for more policy guidance. There were no other responses in the first choice. In the second response choice, twenty-five percent (1 of the 4) of the field grade officer (major through colonel), or master sergeant through chief master sergeant (MSgt - CMSgt) rank category agreed on the statement, indicating a need for more policy guidance. Seventeen percent (1 of the 6) of the captain with over four years in grade, or technical sergeant (Capt over/4, or TSgt) category, and thirty-one percent (5 of the 16) of the captain with under four years in grade, or staff sergeant (Capt under/4, or SSgt) category, agreed on the need for more policy. Thirty percent (3 of the 10) of the first lieutenant or sergeant (1LT, or Sgt) category, and thirty-six percent (14 of the 39) of the second lieutenant, or airman through senior airman (2Lt, or AMN - SRA) category agreed with the statement. In the third response choice, fifty percent of the field grade officer,

or MSgt - CMSgt category indicated that they neither agreed nor disagreed with the statement. In the Capt over/4, or TSgt category, and in the Capt under/4, or SSgt category, seventeen percent and nineteen percent, respectively, neither agreed nor disagreed. Twenty percent of the 1LT, or Sgt category, and thirty-three percent of the 2LT, or AMN - SRA category, neither agreed nor disagreed with the statement. In the fourth response choice, twenty-five percent of the field grade officer, or MSgt - CMSgt category disagreed with the statement which indicates a need for more policy guidance. Thirty-three percent of the Capt over/4, or TSgt category, forty-four percent of the Capt under/4, or SSgt category, twenty percent of the 1LT, or Sgt category, and eighteen percent of the 2LT, or AMN - SRA category also disagreed. In the fifth response choice, there were no responses in the field grade officer, or MSgt - CMSgt category. Thirty-three percent of the Capt over/4, or TSgt category, six percent of the Capt under/4, or SSgt category, twenty percent of the 1LT, or Sgt category, and eight percent of the 2LT, or AMN - SRA category indicated that

they strongly disagreed about the need for more policy. Of the entire seventy-five respondents, four percent indicated strong agreement with the need for more policy, and thirty-two percent (24 respondents) indicated agreement. Twenty-eight percent (21 respondents) neither agreed nor disagreed. Twenty-five percent of the survey sample disagreed, and eleven percent (eight respondents) strongly disagreed about the need for more policy guidance.

Table 4.12 (p. 80), graphically displays the experience levels of the seventy-five survey sample respondents by security police qualification level. Eight percent were in the highest qualification level, master (indicating 15 or more years of security police experience). Nineteen percent (14 respondents) were in the senior qualification level (7th through 14th year of security police experience), and the remaining seventy-three percent (55 respondents) were in the basic level (less than 7 years experience). For the purpose of this study the basic security police qualification level was further subdivided as follows; basic-3 (4th through 6th year of experience),

basic-2 (2d through 3d year), and basic-1 (less than two years security police experience). Twenty percent (15 respondents) of the survey sample were in the basic-3 level, thirty-two percent were in the basic-2 level, and twenty-one percent were in the basic-1 level of experience.

Table 4.12

Experience Distribution of Survey Sample by Percent
in Each Security Police Qualification Level

Qualification Level	Percent
Master ^a	8%
Senior ^b	19
Basic-3 ^c	20
Basic-2 ^d	32
Basic-1 ^e	21
TOTAL (N=75)	100%

^a Fifteen or more years of security police experience.

^b Seventh through 14th year of security police experience.

^c Fourth through 6th year of security police experience.

^d Second through 3d year of security police experience.

^e Less than two years of security police experience.

AD-A145 377

THE NEED FOR MORE EFFECTIVE CONTROL OF USAF SECURITY

2/2

POLICE DISCRETION(U) AIR FORCE INST OF TECH

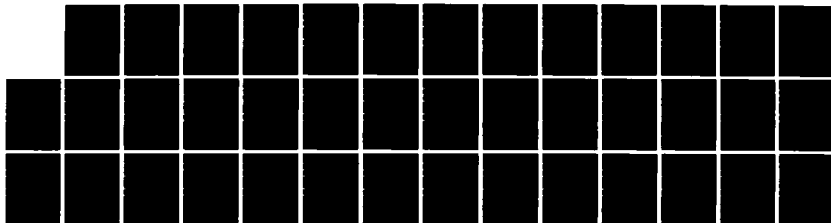
WRIGHT-PATTERSON AFB OH J R DOYLE 1984

UNCLASSIFIED

AFIT/CI/NR-84-60T

F/G 5/9

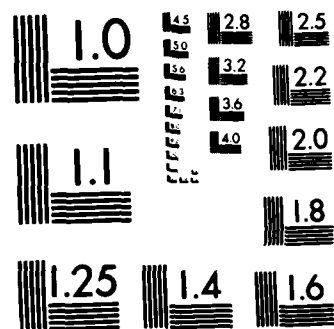
LL



END

FILED

DTIC



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

Table 4.13 (p. 82), displays the results of varying Table 4.5 (p. 65), with Table 4.12, and is designed to evaluate the relationship between qualification level (an indicator of experience) and the expressed need for policy development. In the first response choice, seven percent of the basic-3, four percent of the basic-2, and six percent of the basic-1 qualified personnel, indicated a need for a great amount more policy development. There were no other responses in the first choice. In the second response choice, eighty-three percent (5 of the 6) of the masters, and twenty-one percent (3 of the 14) of the senior qualified personnel expressed a need for somewhat more policy. Forty percent (6 of the 15) of the basic-3, thirty-eight percent (9 of the 24) of the basic-2, and forty-four percent (7 of the 16) of the basic-1 qualified personnel expressed a need for somewhat more policy development. In the third response choice, none of the master qualified, and seventy-one percent of the senior qualified personnel indicated that the current amount [of policy is] adequate. Fifty-three percent of the basic-3, fifty-four percent of the basic-2, and

Table 4.13

Relationship Between Security Police Qualification Level and
Expressed Need for Policy Development

Expressed Need	Qualification Level				
	(M) ^a	(S) ^b	(B-3) ^c	(B-2) ^d	(B-1) ^e
Great Amount More	-- ^f	--	7%	4%	6%
Somewhat More	83%	21%	40	38	44
Current Amount Adequate	--	71	53	54	44
Somewhat Less	--	7	--	4	6
Great Amount Less	17	--	--	--	--
TOTAL (N=75)	100% (6)	99% ^g (14)	100% (15)	100% (24)	100% (16)

^a (M) - indicates master qualification level which is awarded to personnel with 15 or more years security police experience.

^b (S) - indicates senior qualification level which is awarded to personnel with 7 through 14 years security police experience.

^c (B-3) - indicates basic qualification level which is awarded to personnel with less than 7 years security police experience; however, for the purpose of this study, the basic qualification level was further subdivided. Thus, (B-3) indicates personnel with 4 through 6 years experience.

^d (B-2) - indicates basic qualification level with 2 through 3 years of security police experience.

^e (B-1) - indicates basic qualification level with less than 2 years security police experience.

^f -- indicates that there were no responses for these particular choices.

^g Does not equal 100% due to rounding.

forty-four percent of the basic-1 qualified personnel indicated that the current amount [of policy is] adequate. In the fourth response choice, seven percent of the senior qualified, four percent of the basic-2, and six percent of the basic-1 qualified personnel indicated a need for somewhat less policy; there were no other responses for this choice. In the fifth response choice, seventeen percent of the master qualification level personnel indicated an expressed need for a great amount less policy; there were no other responses for this response choice. See pages 79 and 80 for an explanation of the five qualification levels. See Table 4.5 (p. 65), for the cumulative survey sample percentages for each response choice.

Table 4.14 (p. 84), displays the results of varying Table 4.7 (p. 69), with Table 4.12 (p. 80), and is designed to investigate the relationship between qualification level (an indicator of experience) and the expressed need for more policy guidance. The survey sample was given a statement similar to; "lack of policy guidance often leaves me in doubt about decisions," and they were asked to agree

Table 4.14

Relationship Between Qualification Level and Expressed Need
for Policy Guidance by Response to: "Lack of Policy
Guidance Often Leaves Me in Doubt About Decisions."

Expressed Need	Qualification Level				
	(M) ^a	(S) ^b	(B-3) ^c	(B-2) ^d	(B-1) ^e
Strongly Agree	-- ^f	--	13%	4%	--
Agree	17%	36%	20%	33%	44%
Neither Agree nor Disagree	33	14	13	38	37
Disagree	33	43	33	12	19
Strongly Disagree	17	7	20	12	--
TOTAL (N=75)	100% (6)	100% (14)	99% ^g (15)	99% (24)	100% (16)

^a (M) - indicates master qualification level which is awarded to personnel with 15 or more years security police experience.

^b (S) - indicates senior qualification level which is awarded to personnel with 7 through 14 years security police experience.

^c (B-3) - indicates basic qualification level which is awarded to personnel with less than 7 years security police experience; however, for the purpose of this study, the basic qualification level was further subdivided. Thus, (B-3) indicates personnel with 4 through 6 years experience.

^d (B-2) - indicates basic qualification level with 2 through 3 years of security police experience.

^e (B-1) - indicates basic qualification level with less than 2 years security police experience.

^f -- indicates that there were no responses for these particular choices.

^g Does not equal 100% due to rounding.

or disagree with the statement. In the first response choice, thirteen percent of the basic-3, and four percent of the basic-2 qualified personnel strongly agreed with the statement, indicating a definite need for more policy guidance. There were no other responses in the first choice. In the second response choice, seventeen percent (1 of the 6) of the masters, thirty-six percent (5 of the 14) of the senior, twenty percent (3 of the 15) of the basic-3, thirty-three percent (8 of the 24) of the basic-2, and forty-four percent (7 of the 16) basic-1 qualified personnel agreed with the need for more policy (see pages 79 and 80 for explanation of the qualification levels). In the third response choice, thirty-three percent of the master qualified, fourteen percent of the senior qualified, thirteen percent of the basic-3, thirty-eight percent of the basic-2, and thirty-seven percent of the basic-1 qualified personnel neither agreed nor disagreed with the statement. In the fourth response choice, thirty-three percent of the masters, forty-three percent of the senior, thirty-three percent of the basic-3, twelve percent of the basic-2, and

nineteen percent of the basic-1 qualified personnel indicated disagreement with the need for more policy. In the fifth response choice, seventeen percent of the masters, seven percent of the senior qualified personnel, twenty percent of the basic-3, and twelve percent of the basic-2 qualified personnel indicated that they strongly disagreed with the need for more policy guidance. See Table 4.7 (p. 69), for the cumulative survey sample percentages for each response choice.

Discussion of Findings

Analysis and interpretation of the data obtained from the survey sample's questionnaire responses indicates that proposition 1, "inadequate policy results in too much police discretion"; and proposition 2, "perceived inadequate policy tends to lower morale," are both fully supported. Proposition 3, which suggests that the "need for policy varies inversely with experience," is only partially supported, and therefore any conclusions about the relationship between experience and the expressed need for policy would be premature.

Support for proposition 1 is clearly indicated in Tables 4.1 through 4.6. Table 4.1 (p. 63), presents data which was obtained in an effort to determine whether or not security police enforcement decisions are standardized. Although the majority of the law enforcement personnel, seventy-three percent, selected the response indicating that they would give the potential drunk driver a verbal warning only, the decisions of the remaining twenty-seven percent, combined with the fact that the majority's decisions were based upon individual personal choice (See Table 4.2, p. 64), clearly indicates that enforcement actions are not uniformly applied.

Only twelve percent of the survey sample indicated that formal policy guidance influenced their decision in the potential drunk driving case (See Table 4.2, p. 64). This is a surprising finding given that the survey sample are members of a military police organization. The general belief is that military police units are highly structured and members of such organizations are compelled to comply with detailed policies and procedures, however, based upon

this data such a belief may be questionable. What's even more surprizing is that seventy-one percent of the sample indicated that their decision was based upon their own policy, or opinion--the most informal type of influence.

Almost half of the respondents did not know (neither agreed nor disagreed) whether formal policy adequately addressed actions to be taken in the potential drunk driving case or not, and over one-fifth indicated that the policy was not adequate (See Table 4.3, p. 65). However, two-thirds of the sample report that the policy which they do refer to is relatively stable (See Table 4.4, p. 66).

Almost half of the respondents indicated that more policy development was needed, while only half indicated that the current amount of policy is adequate (See Table 4.5, p. 67).

When asked how much informal police discretion they use during the course of any given month, over three-fifths of the sample reported that over fifteen percent of their decisions are not guided by written policy, over one-fourth indicated over thirty percent, and five of the seventy-five

respondents reported that more than fifty percent of their decisions are not guided by formal written policy (See Table 4.6, p. 68). In the researcher's opinion these amounts of informal police discretion are unacceptable.

Support for proposition 2 is clearly indicated by the data presented in Tables 4.7 and 4.8 (pp. 69-70). Over one-third of the sample indicated that the absence of adequate policy guidance left them wondering whether or not they had made the right enforcement decision. This condition would certainly seem to have an adverse effect on their morale; almost another third of the sample declined to commit themselves to this issue by neither agreeing or disagreeing. Only a third of the respondents indicated that the lack of policy did not leave them in doubt. In a separate questionnaire item, fully one-third of the sample specifically indicated that the lack of adequate policy guidance has a tendency to lower their morale. Only half of the respondents indicated that the lack of adequate policy did not lower their morale. Thus, the data suggests that this condition tends to lower the morale of about one-third

to one-half of the survey sample.

Proposition 3 suggests that the "need for policy varies inversely with experience," however, the empirical data gathered in an effort to explore the relationship between the expressed need for policy and amount of security police experience appears to be quantitatively insufficient for the purpose of arriving at a firm conclusion. Therefore, from the available data it can only be suggested that an inverse relationship may exist between the need for policy and amount of security police experience. This can be realized from an examination of the data presented in Tables 4.10 (p. 73), 4.11 (p. 76), 4.13 (p. 82), and 4.14 (p. 84), respectively. An inverse relationship between the variables is suggested by fifteen percent of the lower ranking respondents verses none of the higher ranking respondents indicating a need for a great amount more policy, and seventeen percent of the higher ranking respondents verses none of the lower ranking respondents indicating a need for a great amount less policy (See Table 4.10). A similar relationship may be suggested by noting

that fifteen percent of the lowest ranking respondents strongly agreed that the lack of policy often leaves them wondering whether or not they have made the right decision, whereas none of the highest ranking respondents gave such an indication (See Table 4.11). Like relationships hold true when comparing the sample's experience in terms of security police qualification level (See Tables 4.13 and 4.14). Thus, there's an inconclusive indication that the more experience a security police person has the less they will express a need for comprehensive policy guidance, and the lesser the experience the more will be the expressed need for such guidance.

Summary

In this chapter the research propositions were re-stated in summary form, along with their related inquiry questions which were used as an aid in guiding the research effort. Initially, the data obtained from the survey sample's responses to the ten item questionnaire were presented, without interpretation, within the text and graphically displayed in the form of fourteen univariate and

bivariate percentage tables. The data was further analyzed and interpreted by the researcher in the discussion of findings section of this chapter.

Following is a summary of the propositions, inquiry questions, and related findings:

1. Proposition 1, "inadequate policy results in too much informal police discretion," is fully supported by answering the related inquiry questions below:

1.1 Are enforcement decisions standardized?

Finding: Enforcement decisions are not being uniformly applied in similar offense situations.

1.2 What form of policy influences decisionmaking?

Finding: Security police law enforcement personnel are influenced most by their own personal informal policy (personal opinion) when dealing with potential drunk driving, and perhaps other, cases.

1.3 Is formal policy perceived to be adequate?

Finding: Over one-fifth of the survey sample indicated that policy guidance for the potential drunk driving case was inadequate, and over half

did not know one way or the other.

1.4 Is policy perceived to be relatively stable?

Finding: Two-thirds of the seventy-five respondents indicated that the policy which they do refer to is relatively stable.

1.5 Is more, or less, policy needed?

Finding: Almost half of the sample indicated that more policy was needed, while only half indicated that the current amount of policy is adequate.

1.6 What amount of discretion is being used?

Finding: Over three-fifths of the sample reported that over fifteen percent of their police decisions are not guided by written policy, over one-fourth indicated over thirty percent, and five respondents reported that more than fifty percent of their decisions are not guided by formal written policy.

2. Proposition 2, "perceived inadequate policy tends to lower morale," is fully supported by answering the related inquiry questions below:

2.1 Does policy allow for confident

decisionmaking?

Finding: Over one-third of the sample indicated that the absence of adequate policy guidance left them wondering whether or not they had made the right enforcement decision, and almost another one-third declined to commit themselves on this issue.

2.2 Will they state that policy affects their morale?

Finding: Fully one-third of the sample specifically indicated that the lack of adequate policy guidance has a tendency to lower their morale; to include this number with those who were non-committal on the issue, possibly about one-half of the sample could have lowered morale due to inadequate policy guidance.

3. Proposition 3, which suggests that the "need for policy varies inversely with experience," was not fully supported. This is probably because the survey sample was too small to adequately explore this proposition. Although firm conclusions can not be made, it may be

suggested from the findings that an inverse relationship may exist between the expressed need for policy guidance and amount of law enforcement experience. The following inquiry questions and findings support this possibility:

3.1 What do the more experienced police indicate?

Finding: None of the higher ranking respondents, or those with the highest qualification level indicated a need for a great amount more policy, nor did they strongly agree that the lack of policy left them in doubt about decisions. Seventeen percent indicated a need for a great amount less.

3.2 What do the lesser experienced police say?

Finding: Fifteen percent of the lower ranking respondents indicated a need for a great amount more policy. None indicated a need for a great amount less. Likewise fifteen percent of the lowest ranking and least experienced personnel strongly agreed that the lack of policy often left them wondering whether or not they had made the right decision.

CHAPTER 5

Summary and Conclusions

Summary

The purpose of this study was to conduct a limited investigation to initially determine whether or not United States Air Force security police law enforcement personnel were in need of more effective controls over their discretionary (selective enforcement) actions, and if so, how should these controls be implemented? This formal inquiry was needed to consolidate the more significant and authoritative writings and recommendations offered for more effectively controlling police discretion and to gather preliminary research data upon which to base recommendations for future research.

A review of the literature revealed that a theory of police discretion had not been developed, and that the main reasons for concern over police discretion was because the police are one of the most powerful subsystems of the criminal justice system, their discretionary powers are very

comprehensive, and they have the most freedom not to invoke the criminal justice process. A discussion of the need for formally recognizing police discretion revealed that society does not live under an ideal rule of law, but rather, lives under a rule of law which is developed, maintained, and abolished at the discretion of men. A current trend in favor of formally recognizing police discretion was also revealed. The why, and how, of structuring discretion revealed a surprising number of benefits to be gained, two major problems to be anticipated, and four alternative methods which can be used; the most widely recommended being an administrative rule-making process in police agencies. Police discretion can best be controlled by using administrative rule-making procedures and by providing the most effective leadership and training possible.

The absence of theory in the area of police discretion prompted the development of three propositions and related inquiry questions which were operationalized in the form of a ten item survey questionnaire. The research propositions and related inquiry questions were summarized as follows:

1. "Inadequate policy results in too much informal police discretion."

- 1.1 Are enforcement decisions standardized?
- 1.2 What form of policy influences decisionmaking?
- 1.3 Is formal policy perceived to be adequate?
- 1.4 Is policy perceived to be relatively stable?
- 1.5 Is more, or less, policy needed?
- 1.6 What amount of discretion is being used?

2. "Perceived inadequate policy tends to lower morale."

- 2.1 Does policy permit confident decisionmaking?
- 2.2 Will they state that policy affects their morale?

3. "Need for policy varies inversely with experience."

- 3.1 What do the more experienced police indicate?
- 3.2 What do the lesser experienced police say?

The above inquiry questions correspond, in order of presentation, with the questionnaire response items.

The research design was exploratory in nature, and a judgmental, or purposive, sampling method was used to select

seventy-five (75) law enforcement personnel assigned to Mather Air Force Base, California, for completion of a ten item, self-administered, survey questionnaire. The questionnaire was designed to investigate the relationships between the independent variable, policy, and the dependent variables, police discretion, and morale. The survey also attempted to determine if there is an inverse relationship between amount of law enforcement experience and the need for comprehensive policy guidance.

Four assumptions were presented, the most significant and general being that due to the high degree of homogeneity of the seventy-five survey sample respondents with the survey population (110 security police law enforcement personnel assigned to Mather Air Force base), and even the sample population (over 10,000 security police law enforcement personnel Air Force wide), the possibility exists that the research findings may be generalizable to the entire sample population. Emphasis, however, must be focused on the fact that this is merely an assumption, the validation of which depends upon more extensive research.

Conclusions

The thesis of this study is that United States Air Force security police law enforcement personnel need more effective controls over their discretionary actions. The administrative rule-making process, which provides for open (widely coordinated), comprehensive policy guidance, appears to be the most effective method for obtaining adequate control of police discretion. This comprehensive policy guidance is needed primarily because, as perceived by many security police law enforcement personnel, the lack of adequate policy guidance has a tendency to lower their morale. Currently, perceived inadequate policy development results in an unacceptable amount of officially unrecognized, informal, police discretion. The possibility exists that these conditions may be partially attributable to the existence of an inverse relationship between amount of law enforcement experience and the need for comprehensive policy guidance. In other words, the more experienced and higher ranking personnel who are responsible for developing written policy guidance do not see as great a need for it.

The following findings, which were compiled from answering the inquiry questions related to each research proposition, are submitted in support of the researcher's conclusions:

1. Findings which support proposition 1.

1.1 Enforcement decisions are not being uniformly applied in similar offense situations.

1.2 Security police law enforcement personnel are influenced most by their own personal informal policy (personal opinion) when dealing with potential drunk driving, and perhaps other, cases.

1.3 Over one-fifth of the survey sample indicated that policy guidance for the potential drunk driving case was inadequate, and over half did not know one way or the other.

1.4 Two-thirds of the seventy-five respondents indicated that the policy which they do refer to is relatively stable.

1.5 Almost half of the sample indicated that more policy was needed, while only half indicated that the current amount of policy is adequate.

1.6 Over three-fifths of the sample reported that over fifteen percent of their police decisions are not guided by written policy, over one-fourth indicated over thirty percent, and five respondents reported that more than fifty percent of their decisions are not guided by formal written policy.

2. Findings which support proposition 2.

2.1 Over one-third of the sample indicated that the absence of adequate policy guidance left them wondering whether or not they had made the right enforcement decision, and almost another one-third declined to commit themselves on this issue.

2.2 Fully one-third of the sample specifically indicated that the lack of adequate policy guidance has a tendency to lower their morale; to include this number with those who were non-committal on the issue, reveals that possibly about one-half of the sample could have lowered morale due to inadequate policy guidance.

3. Findings which tend to support proposition 3.

3.1 None of the higher ranking respondents, or those with the highest qualification level indicated a need for a great amount more policy, nor did they strongly agree that the lack of policy left them in doubt about decisions. Seventeen percent indicated a need for a great amount less.

3.2 Fifteen percent of the lower ranking respondents indicated a need for a great amount more policy. None indicated a need for a great amount less. Likewise, fifteen percent of the lowest ranking and least experienced personnel strongly agreed that the lack of policy often left them wondering whether or not they had made the right decision.

Recommendation for USAF Law Enforcement

Based upon the findings and conclusions of this study, the researcher recommends that the Air Force Office of The Chief of Security Police develop and implement a plan designed to guide and control the exercise of security police discretion as indicated below.

Crime Control Plan. The crime control plan, named as such for it's potential in guiding and directing the discretionary actions of security police personnel towards more effective control of criminal conduct on Air Force installations, should contribute to the operational effectiveness of most security police law enforcement organizations. Essentially, the crime control plan would be a consolidated, comprehensive, written policy guidance plan on the use of security police discretion under a wide variety of different circumstances. The plan, along with instructions for implementation, would be initiated at the Headquarters, United States Air Force level, by including general guidelines which would apply to all Air Force bases. The plan could be supplemented, as necessary, down through the channels of command and the completed version would be localized at base level in order to account for the specific enforcement decisions peculiar to each area. The plan format should generally include a comprehensive listing of laws/regulation requirements for which the enforcement policy needs to be explained and/or periodically reviewed in

order to keep pace with contemporary mores of the Air Force community. Listed immediately below the particular law or regulation requirement should be a brief rationale for keeping the law on the books and enforcing it. Listed immediately after the rationale should be a section which explains the acceptable and proper range of discretionary actions, if any, permitted by the policy makers. Following the range of discretion section, a section detailing the specific procedures to be employed while enforcing the law could be included (i.e., operating procedures). The plan should provide in one volume all of the information needed to effectively enforce a particular law as required by both the higher echelons of command and policy makers at local installations.¹

Plan Implementation. Generally, implementation of the crime control plan would involve an extensive study to

¹ U.S. Department of Justice, Police -- Report of the Advisory Commission on Criminal Justice Standards and Goals, Law Enforcement Assistance Administration, ([Philadelphia: GPO, 1973]), pp. 21-28.

determine which laws and rules would be included therein. Especially important would be the need to consult with, survey, and obtain feedback from security police personnel. A survey of the community and close coordination with base commanders and their staffs, and the legal office would be required. The office of primary responsibility for the plan should be the chief, security police. Base commanders could appoint a crime control council to assist in the establishment and periodic modification of the plan as required by changing conditions. The plan should also be an item of interest for higher headquarters security police inspection teams.²

Anticipated Outcome. Once such a plan has been established and all of the inconsistencies worked out, the researcher anticipates that there will be a measureable increase in security police morale, more effective police-community relations, and an overall increase in the effectiveness of security police law enforcement operations.

² Ibid.

Implications for Future Research

The absence of theory in the area of police discretion makes this subject an ideal area for further research on a much larger scale.³

This exploratory study suggests that inadequate policy results in too much discretion, and that perceived inadequate policy guidance tends to lower the morale of law enforcement personnel at Mather Air Force Base, California. Also suggested, is the possibility that an inverse relationship may exist between amount of law enforcement experience and the need for policy guidance.

A much more comprehensive study, involving a much larger survey sample, is needed to further investigate, describe, and explain the relationships between the variables looked at in this exploration. This should certainly be done in the United States Air Force, and may be adapted to the examination of civilian police agencies.

More specifically, what's needed is the development of

³ Kenneth Culp Davis, Police Discretion (St. Paul: West, 1975), p. vii.

a theory, or limited theory, of police discretion which can be tested by means of a cross-sectional study,⁴ using probability sampling and a more sophisticated sampling design.⁵ Ideally, the study probably should involve at least one or two thousand law enforcement personnel assigned to a number of different agencies/organizations.

The measurement instrument, instead of being limited to one situational response item, as was the case in this study (potential drunk driving), should be expanded to include a number of situations involving other offenses such as, homicide, rape, and robbery, where little use of informal discretion is expected, to cases involving domestic disturbance, public drunk, juvenile offenses, petty gambling, and so forth, wherein the use of some informal discretion can probably be anticipated. The instrument could include several items which directly link the use of informal discretion with the absence of formal policy

⁴ Earl Babbie, The Practice of Social Research, 3d rev. ed. (Belmont: Wadsworth, 1983), p. 72.

⁵ Ibid., p. 140.

guidance, and could also examine the influence of both leadership and training on the use of informal discretion.

Any such expanded research into this area would also necessarily entail a content analysis of existing formal policy in an effort to determine the adequacy of policy to provide comprehensive guidance for handling the offenses indicated by the situational response items.⁶

Alternative forms of data gathering may also be of use in an expanded inquiry; instead of relying on just a self-administered questionnaire, the researcher(s) could conduct interviews and employ various forms of unobtrusive observation in conjunction with a self-administered questionnaire.⁷

⁶ Ibid., pp. 273-90.

⁷ Ibid., pp. 272-303.

APPENDIX A - SURVEY QUESTIONNAIRE

FROM: Survey Researcher

111

SUBJECT: Introduction and Instructions

TO: Questionnaire Respondents

Thank you for your willingness to take a few minutes of your time to fill out the attached 10 item questionnaire on "police discretion and policy guidance perceptions at squadron level."

Completion of the questionnaire is strictly voluntary and your identity is not requested. Completion of Privacy Act statements, in accordance with AFR 12-35, is not required.

The information compiled from the results of this survey will be used to make recommendations for further research in this area, and hopefully, will provide a base of information from which to make recommendations for changes to make your job in law enforcement easier.

Please mark your answers in the boxes provided on the questionnaire. If you do not agree with any of the responses, mark the one which comes closest to the way you feel. Please provide only one answer for each questionnaire item.

Thank you again for your help.

USAF SCN 84-57 (expires: 3 August 1984).

USAF SECURITY POLICE LAW ENFORCEMENT SURVEY ON POLICE
DISCRETION AND POLICY GUIDANCE PERCEPTIONS AT SQUADRON LEVEL

The purpose of this survey is to find out how security police law enforcement personnel at operational installations feel about the type and amount of operational policy guidance which is being provided to them through official channels. Your name and SSAN is not requested because the survey is designed only to elicit the opinions of law enforcement personnel as a whole. All answers will be strictly confidential and no attempt will be made to discover who filled out which questionnaire. Please remember that this survey is designed to find out how you perceive the situation and not the official USAF position.

1. You are on patrol (or riding with a patrol officer in a supervisory capacity) and it's 3 AM, Wednesday morning, three days before Christmas. There's no activity in your patrol area and your're bored. You observe a car moving in your area so you decide to follow it for awhile. The operator of the car appears to be driving safely but after awhile you notice that the operator failed to give a right turn signal before turning. You decide to stop the vehicle and make a routine credential check. The operator of the car turns out to be a well-respected member of the community whom you personally admire and he meets all licensing and registration requirements. As you stopped him, he pulled alongside the curb in front of his quarters, and he and his wife (the only passenger), are very friendly and cooperative. While conversing, you discover that they have been celebrating their wedding anniversary. You also discover, however, a very strong odor of alcohol coming from the operator's breath. Based only upon this information, what would you honestly do in this situation? Select only one of the following responses which comes closest to your anticipated reaction.

- A. ☐ Apprehend/detain and initiate formal booking.
- B. ☐ Initiate formal booking without detaining.
- C. ☐ Make an information report only (no charges).
- D. ☐ Give a verbal warning only.
- E. ☐ Ignore the offense altogether.

2. In selecting the course of action in the preceding question, which of the following most accurately describes what influenced your decision?

- A. ☐ Formal, written, policy guidance.
- B. ☐ Informal (unwritten) organizational policy.
- C. ☐ Informal policy of immediate supervisor.
- D. ☐ Informal policy of peers.
- E. ☐ Informal personal policy.

3. Formal, written, organizational policy adequately addresses and provides clear guidance for taking action in the preceding situation (question #1)

- A. ☐ Strongly agree
- B. ☐ Agree
- C. ☐ Neither agree nor disagree
- D. ☐ Disagree
- E. ☐ Strongly disagree

4. The policy guidelines used in dealing with this type of situation (not this specific situation; i.e., the incident could involve offenses such as domestic disturbance, drunk on station, juvenile violation, petty theft where charges are dropped, petty gambling, solicitation of prostitution, and so forth), whether formal or informal policy, is relatively stable (i.e., doesn't change more frequently than once a year).

- A. ☐ Strongly agree
 - B. ☐ Agree
 - C. ☐ Neither agree nor disagree
- (Choices D. & E. are on the next page)

D. ☐ Disagree

114

E. ☐ Strongly disagree

5. Policy, and the procedures which result therefrom, let us know what is expected of us in performing our duties. In my opinion we need:

A. ☐ A great amount more

B. ☐ Somewhat more

C. ☐ Current amount adequate

D. ☐ Somewhat less

E. ☐ A great amount less

6. Informal discretionary actions are those actions taken which are not strictly in accordance with established formal (written) organizational policies and procedures. You find that it's necessary to take these informal actions to make your job more manageable or easier. In applying this definition, what is the estimated amount of informal discretion which you would normally use, say, in the course of a month?

A. ☐ Less than 5%

B. ☐ 5% to 15%

C. ☐ 16% to 30%

D. ☐ 31% to 50%

E. ☐ More than 50%

7. The lack of formal (written) policy guidance which explains to law enforcement personnel what is expected of them in particular enforcement situations often leaves me wondering whether or not I have made the right decision.

- A. ☐ Strongly agree
- B. ☐ Agree
- C. ☐ Neither agree nor disagree
- D. ☐ Disagree
- E. ☐ Strongly disagree

115

8. The absence of understandable and stable policy and procedures in this organization leaves me in a position much of the time where I'm not sure what I'm supposed to do in a given situation. This condition has a tendency to lower my morale (i.e., keeps me from feeling like putting forth my best possible effort to get the job done).

- A. ☐ Strongly agree
- B. ☐ Agree
- C. ☐ Neither agree nor disagree
- D. ☐ Disagree
- E. ☐ Strongly disagree

9. Please indicate your current rank by checking the appropriate box.

- A. ☐ Field grade officer, or MSgt through CMSgt
- B. ☐ Captain, over 4 years in grade, or TSgt
- C. ☐ Captain, under 4 years in grade, or SSgt
- D. ☐ 1st Lt, or Sgt (E-4)
- E. ☐ 2nd Lt, or Airman through SRA

10. Please indicate your current qualification level.

- A. ☐ Master (15 or more years SP experience)
- B. ☐ Senior (7th through 14th year of experience)
- C. ☐ Basic (4th through 6th year of experience)
- D. ☐ Basic (2nd through 3rd year of experience)
- E. ☐ Basic (less than 2 years SP experience)

That completes the categorized response portion of this survey. Thank you for your time and cooperation.

If there are any questions which you feel you would like to discuss further please do so on the remainder of this page. However, please ensure that you have answered all categorized response questions first.

APPENDIX B - LIMITING FACTORS

Limiting Factors

Originally, and ideally, this exploratory study was to consist of a survey sample of at least 200 USAF Security Police law enforcement personnel. One hundred assigned to Mather Air Force Base, California, and 100 assigned to Yokota Air Base, Japan.

Approval to survey the 200 law enforcement personnel was obtained both from the Air Force and from each operating location, however, field training and other commitments precluded the researcher from surveying the full 100 personnel from Mather AFB, and although the questionnaire was in the process of being administered to the 100 personnel at Yokota Air Base during the writing of this study, it was not completed in time to be included herein.

Bibliography, Works Cited

- Babbie, Earl. The Practice of Social Research. 3d rev. ed. Belmont: Wadsworth, 1983.
- Davis, Kenneth Culp. Police Discretion. St. Paul: West, 1975.
- _____. Discretionary Justice: A Preliminary Inquiry. Baton Rouge: Louisiana State University Press, 1969.
- Goldstein, Herman. Policing a Free Society. Cambridge: Ballinger, 1977.
- Goldstein, Joseph. "Police Discretion Not to Invoke the Criminal Process: Low-Visibility Decisions in the Administration of Justice." Yale Law Journal 69 (1960): 543-94. Reprinted in George F. Cole, ed. Criminal Justice: Law and Politics. 2d ed. North Scituate: Duxbury Press, 1976.
- Hersey, Paul, and Blanchard, Kenneth H. Management of Organizational Behavior: Utilizing Human Resources. 4th rev. ed. Englewood Cliffs: Prentice-Hall, 1982.
- LaFave, Wayne R. Arrest. Boston: Little, Brown, 1965.
- Lundman, Richard J. ed. Police Behavior: A Sociological Perspective. New York: Oxford University Press, 1980.
- Miller, Delbert C. Handbook of Research Design and Social Measurement. 4th rev. ed. New York: Longman, 1983.
- Moran, Kenneth T. "Toward More Effective Control of Police Discretion: The Cooperative Supervisory Model." Journal of Police Science and Administration 6, no. 3 (1978): 253-63.
- Muir, William Ker, Jr. Police: Streetcorner Politicians. Chicago: University of Chicago Press, 1977.

Neiderhoffer, Arthur. "Police Cynicism." In his The Ambivalent Force: Perspectives on the Police. Waltham: Gunn, 1970.

Skolnick, Jerome H. Justice Without Trial: Law Enforcement in Democratic Society. 2d ed. New York: John Wiley & Sons, 1975.

Souryal, Sam S. Police Administration and Management. St. Paul: West, 1976.

U.S. Department of Justice. Law Enforcement Assistance Administration. Police -- Report of the Advisory Commission on Criminal Justice Standards and Goals. Philadelphia: U.S. Government Printing Office, 1973.

Vroom, Sue. Telephone interview. 16 and 17 July 1984.

Wilson, James Q. "Police Discretion." Varieties of Police Behavior. Cambridge: Harvard University Press, 1968.